

## **NOTICE**

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**F.O.I.A.**

**JULIUS ROSENBERG ET AL.**

**FILE DESCRIPTION**

*HQ*

**FILE**

**SUBJECT**

*Morton Sobell*

**FILE NO.**

*101-2483*

**VOLUME NO.**

*43 Part 1 of 2*

**SERIALS**

*1631 to*

*1707*

File No: 101-2483  
Section 43

Re: Morton Sobell

Date: \_\_\_\_\_  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1631	7/27/66	memo w/enc Brangan to Sullivan	2/1	2/1	
1632	7/28/66	NY AT HQ w/enc	1/13	1/13	
1633	7/27/66	NY AT HQ	2	2	
1634	8/2/66	NY AT HQ	2	2	
1635	7/29/66	NY AT HQ w/enc	3/1	3/1	
1636	8/3/66	NY AT HQ	2	2	
1637	8/4/66	AL AT HQ w/note	1/1	1/1	
1638	8/11/66	NY at HQ	2	2	
1639	8/16/66	NY at HQ w/note	1/1	1/1	
1640	8/23/66	NY AT HQ	2	2	
1641	8/26/66	HQ TT to NY	1	1	
1642	8/10/66	BS AT HQ	2/3	2/3	

41 - 41

rev rel deny refer pressure prefer

File No: 101-2483  
Section 43

Re: Morton Sobell

Date: \_\_\_\_\_  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1643	8/9/66	3 <sup>rd</sup> Party letter to AG	2	2	b7C
N/R	8/30/66	HQ let NY	2	0	2 ref. to CIA
1644	8/31/66	HQ TT to AQ	1	1	
1645	9/2/75	Serial Skipped notice	1	1	
1646	9/1/66	HQ let AG	2	2	
1646	8/26/66	AQ TT HQ	2	2	
1647	8/25/66	HQ TT AQ	1	1	
1648	9/2/66	HQ TT AQ	1	1	
1649	8/31/66	NY TT HQ	2	2	
1650	9/2/66	HQ let AG	1	1	
1650	8/29/66	NY TT HQ	1	1	
1651	8/25/66	NY AT HQ where	1/99	1/99	

116 & 114

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rev rel deny refer presume prepare

File No: 101-2483  
Section 43

Re: Morton Sobell

Date: \_\_\_\_\_  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1652	8/31/66	Branigan to Sullivan <sup>memo</sup>	3	3	
1653	9/6/66	NY AT HQ	2 104	2 104	
1654	9/8/66	Branigan to Sullivan <sup>memo</sup>	2	2	
1655	9/3/66	OC TT HQ, NY, AQ,	2	2	
1656	9/8/66	HQ let AG	2	2	
1656	9/2/66	AQ TT to HQ, NY	3	3	
1657	9/14/66	NY TT HQ, PH	3	3	
1658	9/13/66	NY AT HQ	2	2	
1659	9/7/66	AQ TT HQ	2	2	
1660	9/7/66	NY AT HQ	3	3	
1660	9/14/66	HQ let AG	3	3	
1661	9/15/66	NY TT HQ, AQ, MM	1	1	

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rev rel deny refer pressure prepare

File No: 101-2483  
Section 43

Re: Morton Sobell

Date: \_\_\_\_\_  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1662	9/16/66	HQ TT AQ	1	1	
1663	9/15/66	PH AT HQ w/enc	4/2	4/2	
1664	9/19/66	NY let HQ	2	2	
1665	9/20/66	NY let HQ	2	2	
1666	9/17/66	AQ let HQ	1	1	
1666	9/21/66	HQ let AG	1	1	
1667	9/14/66	NY AT HQ	5	5	
1667	9/20/66	HQ AT NY	1	1	
1667	9/21/66	HQ AT NY	1	1	
1668	9/21/66	AQ TT HQ	1	1	
1668	9/26/66	HQ let AG	2	2	
1669	10/5/66	LAB REPORT to NY	9	9	b7c

32 32

rev rel deny refer preserve prepare

File No:

101-2483  
Section 43

Re:

Morton Sobell

Date:

(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1669	9/28/66	W/ENC LAB WORK SHEET	1/10	1/10	b7C
1670	9/22/66	NY AT to HQ w/enc	1/94	1/94	
1671	10/3/66	BS AT HQ w/enc	2/15	2/15	
1672	9/28/66	NY AT HQ	4	4	
1672	10/7/66	HQ let AG	3	3	
1673	9/28/66	Brannigan to Sullivan w/enc memo	2/3	2/3	
1674	9/29/66	Bruffick to Conrad memo w/enc	2/3	2/3	
1675	9/27/66	NY TT HQ	2	2	
1676	10/13/66	PH TT & HQ w/enc	4/2	4/2	
1677	10/10/66	NY AT HQ	3	3	
1678	10/17/66	Brannigan memo to Sullivan	2	2	
1679	10/18/66	NY AT HQ w/enc	2/29	2/29	

174-174

rev. rel deny refer preserve prepare FBI/DOJ

File No: 101-2483  
Section 43

Re: Morton Sobell

Date: \_\_\_\_\_  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1680	10/27/66	NY AT HQ w/enc	2/38	2/38	
1681	12/9/66	PH let HQ	1	1	
1682	12/13/66	AG let HQ	1	1	
1683	2/15/67	NY AT HQ	2	2	
1684	2/14/67	Brannigan to Sullivan <sup>memo</sup>	1	1	
1685	2/21/67	NY let HQ	2	2	
1686	2/16/67	NY AT HQ w/enc	1/86	1/86	
1687	2/23/67	Brannigan to Sullivan <sup>memo</sup>	2	2	
1688	2/27/67	NY AT HQ	1	1	
1689	2/23/67	Brannigan to Sullivan <sup>memo</sup>	2	2	b7D b7C
1690	3/3/67	NY AT HQ	1	1	
1691	3/10/67	Brannigan to Sullivan <sup>memo</sup>	3	3	1/4/67 b1, b7D b7C

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rev rel deny refer preserve prepare



File No:

101-2483  
Section 43

Re:

Morton Sobell

Date:

(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1692	3/23/67	AQ let HQ	1	1	
1693	3/22/67	NY AT HQ w/enc	2/67	2/67	
1694	4/21/67	NY rept	8	8	b2, b7D
1695	4/25/67	NY AT HQ	1	1	
1696	5/29/67	PH let HQ	1	1	
1697	6/6/67	NY let HQ & encl.	1/96	1/96	
1698	6/9/67	Brannigan memo to Sullivan	1	1	
1699	6/14/67	HQ AT to NY	1	1	
1700	6/15/67	NY AT HQ w/enc	4/38	4/38	
1701	6/27/67	NY AT HQ w/note	1/1	1/1	
1702	7/25/67	HQ let NY	1	0	1 refer to CIA
1703	7/25/67	Blind memo	2	2	b1

226 225

rev rel deny refer pressure prefer

File No: 101-2483  
Section 43

Re: Morton Sobell

Date: \_\_\_\_\_  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1704	10/18/67	NY AT HQ	2	2	
1705	11/13/67	NY AT to HQ	1	1	
1706	10/31/67	PH let HQ	1	1	
1707	10/26/67	WFO let HQ	1	1	

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rev rel deny refer preserve preserve FBI/DOJ

UNITED STATES GOVERNMENT

# Memorandum

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Wick \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

TO : Mr. W. C. Sullivan

DATE: July 27, 1966

FROM : Mr. W. A. Branigan *WAB*

- 1 - Mr. DeLoach
- 1 - Mr. Sullivan
- 1 - Mr. Wick
- 1 - Mr. Branigan
- 1 - Mr. Lee

SUBJECT: MORTON SOBELL  
ESPIONAGE - RUSSIA

With respect to the current motion by the subject to set aside his conviction, the Director asked, "Are we prepared to face up to this? It will be a long fight and we should now get together all pertinent material." This is the sixth such motion and we are prepared to furnish all pertinent material to the U. S. Attorney.

## BACKGROUND:

Morton Sobell is currently serving a 30-year sentence as a result of his conviction in 1951 for espionage conspiracy along with Julius and Ethel Rosenberg. Since his conviction, numerous efforts have been made to obtain his release without success. On May 13, 1966, Sobell filed his sixth motion under Title 28, U. S. Code 2255 in the District Court, Southern District of New York, to set aside his conviction claiming the Government used forged documents, perjured testimony and suppressed evidence which would have proved his innocence. He requested a hearing to produce his evidence of the above allegations.

"The New York Times," July 26, 1966, carried an article concerning a request made in the District Court, Southern District of New York, by Sobell's defense counsel to amend the above-mentioned motion to include affidavits and testimony of two scientists concerning the drawing of the cross section of the Atomic Bomb which was introduced at the trial. This drawing was introduced by David Greenglass and he identified it as a copy of the sketch of the Atomic Bomb which he turned over to Julius Rosenberg in January, 1945. At the request of the defense counsel, made during the trial, this sketch was impounded and was only released during the course of this current motion to permit the defense to have it examined by scientists. The defense now claims that this sketch is "completely false" and "inaccurate" and that the Government "knew it," when it was introduced.

ENCLOSURE  
101-2483

REC-9

101-2483-1631

JPL:pjn/lag  
(6)

16 AUG 2 1966

CONTINUED - OVER

54 AUG 4 1966

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 4-29-87 BY 3042/PJ/CLS

Memorandum Branigan to Sullivan  
RE: MORTON SOBELL  
101-2483

In response to the Director's questions, we have established a close liaison with the Office of the U.S. Attorney, Southern District of New York and the New York Office has furnished all information requested by the U. S. Attorney. Among other things, we have furnished a complete review of a book entitled "Invitation to an Inquest" written by Walter and Marjorie Schnier which is the basis for some of the claims made by the defense in this motion.

"The 'New York Times' article states that the identities of the scientists who examined the sketch are not known. Our files show that the defense counsel has advised the U.S. Attorney, Southern District of New York that this exhibit will be displayed to Doctors Henry Linschitz and Philip Morrison. Linschitz is a former employee of the Los Alamos project and was interviewed during the investigation of Greenglass. He did sign a letter to Judge Kaufman, trial Judge, protesting the death sentence given to the Rosenbergs. In an interview by the Atomic Energy Commission, he stated that he had no doubt that the Rosenbergs were guilty and said he had refused to sign an affidavit that Greenglass did not have enough knowledge to use the information he obtained about the Atomic Bomb. He is currently a professor at Brandeis University, Massachusetts.

Philip Morrison is a professor of physics and nuclear studies at Cornell University. He is an admitted member of the Young Communist League and has a long and extensive record of association with numerous Party front organizations. He worked at Los Alamos from 1944 to 1946.

ACTION:

This case is being followed closely and all material requested by the U.S. Attorney and the Department is being promptly made available.

*osm wcl* *H* *Hee* *MC* *bs*

*PPK waBo.*

# SCIENTISTS TO AID SOBEL'S APPEAL

## Will Testify That Atomic Bomb Sketch Was 'False'

By SIDNEY E. HON

Two scientists "intimately involved in making the atomic bomb will testify that the key evidence used to convict Julius and Ethel Rosenberg and Morton Sobell of espionage was 'completely false,' a lawyer for Sobell asserted yesterday in Federal Court.

The evidence is an alleged drawing of a cross-section of the atom bomb that was exploded over Nagasaki. David Greenglass, a chief Government witness, testified in 1951 that he had given the drawing to Julius Rosenberg, who then purportedly turned it over to Soviet agents.

The drawing had been impounded until last April, when the Government consented to release it to Sobell's attorneys, who are making a new move to free him from his 30-year sentence.

### Rosenbergs Executed in 1953

The Rosenbergs and Sobell were convicted. The Rosenbergs were executed in 1953 for their part in turning over the secret of the atomic bomb to the Soviet Union.

Marshall Perlin, Sobell's lawyer, did not name in court the scientists who would testify, but he told Federal Judge David N. Edelstein that he had provided the Government with their names.

Mr. Perlin charged that the sketch was "completely false" and "inaccurate" and that the Government "knew it" at the time. Likewise he asserted that the testimony of Greenglass and John A. Derry, an electrical engineer who supported the

authenticity of the drawing, was "completely false" and "the Government knew it."

Mr. Perlin made his charges in support of a motion to amend his legal papers, which seek a new trial for Sobell. The lawyer asked to include affidavits and testimony of the scientists.

The motion was granted over objections by the Government that the amendment "would prejudice" its defense. Because of the precedential nature of the motion, the Government did not answer the charges. Presumably it will do so after the amended complaint is filed on Aug. 8.

The amended complaint will incorporate charges made in the original papers, filed last fall by Mr. Perlin and by William M. Kunstler and Arthur Kinoy, Sobell's other lawyers. Those charges were based principally on a book, "Invitation to an Inquest," written by Walter and Miriam Schneir and published by Doubleday & Co. last August.

The book sharply criticized the trial and the convictions of all three defendants. Perhaps most dramatic was a suggestion by the authors that the Federal Bureau of Investigation had forged an item of evidence—a hotel registration card in Albuquerque, N. M., of Harry Gold, a principle Government witness.

Gold testified that he had gone to Albuquerque to get atomic information from Greenglass, who was working as a machinist in Los Alamos, N. M., during the time the bomb was being developed there. Gold said on the stand that he had gone to Albuquerque on orders from Soviet Vice Consul Anatoli A. Yakovlev and that when he saw Greenglass, he used the pass word "I come from Julius"—the same first name that Rosenberg had.

The Government produced a photostat of a registration card from the Albuquerque Hilton Hotel to document the fact that Gold was in that city on

June 2, 1945. It was this card that the Schneirs charged was a "probable forgery."

In his affidavit filed yesterday, Mr. Perlin said that the Government "well knew" that by "falsely authenticating and corroborating" the testimony of Greenglass and his sketch, it served to corroborate the general testimony of Greenglass, including that portion relating to the June 2 meeting with Gold.

### Defense Maneuver Criticized

The Greenglass sketch of the bomb was impounded during the trial on the motion of Emanuel Bloch, lawyer for the Rosenbergs. Mr. Bloch, who is dead, has been criticized over the years by many legal experts for this maneuver, which gave defense approval for the Government's basic contention that there was a single "secret" that, if revealed, would allow other countries to build the bomb.

Yesterday the Government's attorney, Robert King, alluded to the fact that the prosecution had never insisted on the impounding of the sketch. However, late in the afternoon the sketch and the formerly impounded testimony of Greenglass and Mr. Derry were removed by a court clerk, who said that a motion was being made to seal the evidence.

It was learned that the Government would make such a motion today.

Mr. Derry was the only expert witness produced by the Government to authenticate the sketch, although the list of witnesses included Dr. J. Robert Oppenheimer and other leading scientists.

Mr. Derry was an electrical engineer who, during the war, was a liaison officer between Gen. Leslie R. Groves, head of the Manhattan Project in charge of producing the atom bomb, and the Los Alamos Laboratory. At the time of the trial he was a civilian employee of the Atomic Energy Commission.

Person  
DeLoach  
Mohr  
Wick  
Casper  
Callahan  
Conrad  
Felt  
Gale  
Rosen  
Sullivan  
Tavel  
Trotter  
Tele. Room  
Holmes  
Gandy

Are we prepared to face up to this? It will be a long fight. I feel I should go get together all pertinent material.

The Washington Post and Times Herald  
The Washington Daily News  
The Washington Evening Star  
New York Daily News  
New York Herald Tribune  
New York Post  
The New York Times  
New York World Journal  
New York World  
Journal Tribune  
The Baltimore Sun  
The Worker  
The New Leader  
The Wall Street Journal  
The National Observer  
People's World

Date

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4-29-87 BY REC-9 101-2483-1631-712

#861840

16 AUG 2 1966

JUL 26 1966

FBI

Date: 7/28/66

Transmit the following in \_\_\_\_\_

(Type in plaintext or code)

Via **AIRTEL**

(Priority)

**TO: DIRECTOR, FBI (101-2483)**  
**(ATTN: CRIME RECORDS)**

**FROM: SAC, NEW YORK (100-37158)(P)**

**SUBJECT: MORTON SOBELL**  
**ESP - R**  
**(OO: NY)**

*Briggs*

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED

ReNYairtel, 7/25/66. DATE 4-29-87 BY 3042 JWT/CLS

Enclosed herewith for the information of the Bureau is a copy of defense affidavit filed in USDC, SDNY, 7/25/66, requesting leave to amend the defense petition previously filed pursuant to Section 2255, USC.

Also enclosed is a copy of the court order relative to the above. No date had yet been set for a hearing on this matter.

The above was furnished by AUSA ROBERT L. KING, SDNY.

*B*

- 4 - BUREAU (Encl. 2)(RM)  
 (1 - 62-108323)(WALTER D. SCHNEIR)  
 (ATTN: Crime Records)
- 1 - NY 100-109649 (HELEN SOBELL)  
 1 - NY 100-135206 (WALTER D. SCHNEIR)  
 1 - NY 100-107111 (CSJMS)(41)  
 1 - NY 100-89559 (MARSHALL PERLIN)  
 1 - NY 100-37158

EX 110

REC-58

101-2483-1632

PFD:mfd (#331)

(11)

ENCLOSURE

ENCLOSURE ATTACHED

JUL 29 1966

CRIME RESEARCH

SOVIET SECTION

Approved: *331*

56 AUG 9 1966

Special Agent in Charge

Sent \_\_\_\_\_

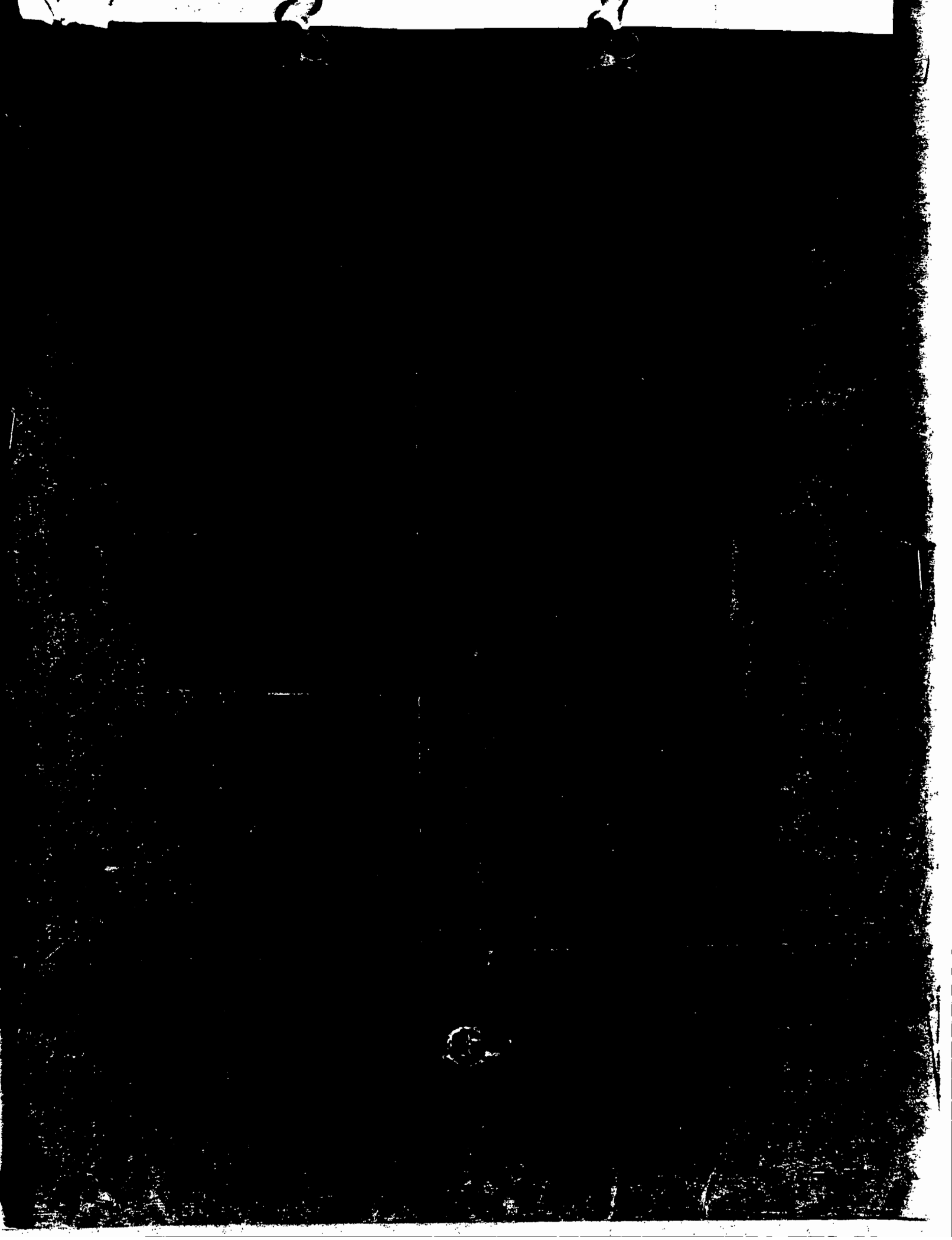
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Per \_\_\_\_\_

62-108323

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*more Brangan to Sullivan 8/1/66**JPL:al*





UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MERTON SOBELL,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.

ORDER WITH AFFIDAVIT  
IN SUPPORT

MARSHALL PERLIN

ATTORNEY AT LAW

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

36 W. 44 Street  
New York, N.Y.



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MORTON SOBELL,

Petitioner,

No. 0 134-245

-against-

UNITED STATES OF AMERICA,

ORDER

Respondent.

Upon the oral motion of the Petitioner, MORTON SOBELL, and the affidavit of MARSHALL PERLIN, Esq. sworn to the 25th day of July, 1966 in support of said motion for an order granting the Petitioner leave to file an amended petition and other relief and upon the matter coming on for hearing and upon hearing the position of the Respondent, UNITED STATES OF AMERICA and upon due deliberation, it is

ORDERED, that the Petitioner is granted leave to file an amended petition by August 9, 1966 and that the United States of America shall have until the day of , 1966 to answer to the petition, and the Petitioner shall have until the day of , 1966 to reply thereto; and it is further

ORDERED, that the matter be set down for hearing on the day of , 1966.

United States District Judge

Dated: New York, N. Y.  
July , 1966

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4-29-87 BY 3042/PWT/CLS

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MORTON SOBELL,

Petitioner,

No. 6 134-245

-against-

AFFIDAVIT

UNITED STATES OF AMERICA,

Respondent.

MARSHALL PERLIN, being duly sworn, deposes and says:

He is one of the attorneys for the Petitioner, MORTON SOBELL, and submits this affidavit in support of his application for leave to amend and supplement the petition previously filed pursuant to Section 2255, Title 28, United States Code.

Prior to the institution of the instant Section 2255 proceedings, application was made to this Court for an order directing the government to produce for inspection and study the original Government Exhibit 8 and certain untranscribed stenographic notes of the testimony of David Greenglass and John A. Derry relating thereto, and presented in the course of the trial in the absence of the public, and immediately thereafter impounded. On the 14th day of April, 1966 the Honorable Edmund L. Palmieri signed an order, a copy of which is attached hereto and made a part hereof, unimpounding, under certain terms and conditions, the aforesaid testimony and exhibit. Some weeks thereafter, at a hearing before Judge Palmieri, the testimony and exhibit were unimpounded. It was then learned for the first time that sometime in 1959,

the stenographic notes and exhibits had been unimpounded by the Department of Justice without notice to petitioner's counsel, the testimony transcribed and examined by one of the attorneys of the Department of Justice and re-impounded.

On the 13th day of May, counsels' motion for an order directing the transfer of the petitioner from the Federal Penitentiary at Lewisburg, Pennsylvania to the Federal House of Detention in New York so as to permit the Petitioner to examine the previously impounded evidence and also to consult his counsel with reference thereto, was granted by the Hon. Marvin Frankel, a Judge of this Court. The Petitioner was transferred to the Federal House of Detention in New York. Thereupon, I and associate counsel consulted with him with reference to the formerly impounded evidence and its possible relationship to the petition previously filed and the entire past record of the case. These consultations took place throughout the period June 4th through June 11th, 1966.

With the material available to us it was necessary to have several consultations with co-counsel, as well as with scientists and then to engage in other areas of scientific and factual research, examine the entire transcript and all post-trial proceedings in light of the recently unimpounded evidence. After receiving additional vital information, and upon the factual and scientific research, it was established that the Petitioner was entitled to apply for and receive relief pursuant to Section 2255. It was further established that the new evidence and the nature of the evidence was directly interrelated with the petition previously filed and served as additional proof of the al-

legations made in the original petition. The government's answer was received late on the day of June 11, 1966.

Since the early part of June, 1966 and after the return date of certain collateral motions relating to the original petition, both myself and Mr. Kunstler have been heavily engaged in litigation in New York City and out of town. Commencing on June 10th, 1966 I was involved in a temporary injunction proceeding in upstate New York involving 9 full court days in the Supreme Court, County of Chemung, June 13, 15, 16, 17, 18, 20, 21, 27 and July 14, 1966. In the interim, it was necessary for me to be out of town on various days in relation to that trial and to submit various pleadings and briefs. That matter is still pending and has taken a substantial portion of my time each day. Mr. Kunstler has been involved in the matter of State v. Ruby which required submission of a brief and argument in Texas on June 25, 1966 and the preparation of a petition for certiorari in a collateral proceeding relating thereto. He has also been engaged in the matter of Rosenberg v. The School Board in the Federal Court for the Southern District of New York. He is also chief trial counsel in the matter of Hobson v. Hansen in the U. S. District Court for the District of Columbia and has been on trial continuously since July 18, 1966. On this case he was required to be in Washington in July for pre-trial conferences and preparation, and the matter has not yet been concluded.

These necessary legal involvements did delay our accumulation of the necessary data for the preparation of the amended petition based upon the unpounded evidence.

On Thursday, July 14, 1966 I made a telephone call from Ithaca, New York to Mr. King, Assistant United States Attorney handling this matter. I advised him of the various other matters with which I was engaged and stated that additional time would be required to formulate papers in response to the government's answer to the original petition. After my return to New York I received new additional information and was in a position to conclude that it was absolutely necessary to proceed forthwith to amend or supplement the original petition in light of this new evidence.

Thereafter, I again communicated with Mr. King on Monday, July 18, 1966 advising him that in view of the unimpounding of the evidence and as a result of the material obtained, the original petition was to be amended and supplemented and that I would further advise him by telephone of the manner and form of the amendment of the original petition. Accordingly, on July 20, 1966 I called Mr. King and stated that in view of the interrelationship of the new material with the material presented in the original petition, we were filing an amended petition which would incorporate the new material. Since that time I have been working on these papers and in view of the nature and scope of the material and the matters involved, these papers are not as yet completed so as to submit them to this court on July 25, 1966.

I, therefore, request two weeks within which to complete, serve and file the new amended petition. Naturally, the respondent should and would be afforded time within which to respond to the amended petition.

The original petition was based inter alia upon the fact that the government had knowingly created, contrived and used false and perjurious testimony to establish an alleged meeting between Harry Gold and David Greenglass on June 3, 1945 at Albuquerque, New Mexico, and that the government had knowingly used a false and forged document said to corroborate the false testimony of Harry Gold and David Greenglass that such a meeting had taken place. This document was a photostat of an alleged registration card of the Hilton Hotel in Albuquerque, New Mexico, dated on its face June 3, 1945. The petitioner seeks by a hearing to establish that no meeting was ever held on June 3, 1945 between Gold and Greenglass and that the card used to corroborate the same was false and fabricated; that the government knowingly suppressed evidence in its possession which would establish the false and perjured nature of the testimony of Harry Gold and David Greenglass relating to the alleged June 3, 1945 meeting. I do not wish here to summarize the entire contents of the petition in this affidavit.

It is, nevertheless, worth noting that the government, in its response to the petition and its supporting memorandum, maintains that in making this attack upon the fraudulent testimony of Gold it inevitably brings into question the testimony of Greenglass relating thereto. (government memorandum, p. 28)

The new and amended petition flowing from the unimpounding of the testimony will establish inter alia:

- (a) The government represented to the court that the impounded testimony and Government Exhibit 8 presented into evidence through the testimony of




David Greenglass, had been first seen and evaluated prior to its presentation in court, by the Atomic Energy Commission and the Joint Congressional Committee on Atomic Energy in conjunction with the prosecutors. Counsel for the defendants relied on these representations.

(b) In making these preliminary statements in this light in the presence of the representatives of the Atomic Energy Commission, the court and jury were made to believe that the evidence to be presented was authentic and accurate in nature and represented the basic secret of the atomic bomb and further, was of world-shaking importance.

(c) The government knew that the testimony of David Greenglass and his sketch (Gov. Ex. 8) was a false and a clearly erroneous description and drawing of the alleged cross-section of the atomic bomb. (See attached testimony of David Greenglass, and Government Exhibit 8.) Whatever the source of the Greenglass testimony, whether he was intentionally lying, or whether he was simply ignorant of the facts, there is no question concerning the falsity of the evidence.

(d) Thereafter the government called as its witness, John A. Derry, for the openly declared purpose of establishing the authenticity and accuracy of the information testified to by Greenglass and to establish the authenticity of the cut-away sketch, Government Exhibit 8.



(e) The government held out Mr. Derry as an expert, competent to authenticate and vouch for the accuracy of the impounded evidence. Mr. Derry did, by his testimony, support, substantiate and verify the accuracy of the testimony of Greenglass and the sketch in the presence of the court and jury and representatives of the Atomic Energy Commission. His testimony was, whether intentional or not, clearly false in many significant respects. He failed to correct any of the grossly erroneous and false testimony of Greenglass and his description of Government Exhibit 8. He did not acknowledge or comment upon the gross errors contained in that exhibit. Assuming Mr. Derry's testimony was given in complete innocence, based upon his lack of knowledge, the government knew his testimony would be and was false and incorrect and that it did not constitute a truthful verification of the authenticity or accuracy of the Greenglass testimony and Exhibit 8.

(f) The government well knew that by falsely authenticating and corroborating the testimony of Greenglass and his sketch, it served to corroborate and authenticate the general testimony of Greenglass including that portion relating to the alleged, but actually non-existent meeting of June 3, 1945.

(g) The government through its representations in court, and the use of Derry's testimony falsely vouched for and gave approval to the authenticity of Greenglass' testimony with the explicit and implied approval of the Atomic Energy Commission and its scientists, as well as the Joint Congressional



Committee on Atomic Energy. The jury would not question, and indeed, defense counsel innocently but incorrectly did not doubt that the impounded evidence given by Greenglass was of tremendous importance affecting the very security and existence of the United States. This, in turn, created a prejudicial atmosphere precluding any possibility of a verdict of innocence to be rendered by the jury in behalf of any of the defendants.

(h) It not only forcibly affected the jury and the court, but it so intimidated and overawed counsel for the petitioner and his co-defendants as to cause them to request, in the interests of national security, that the court impound the false testimony of Greenglass and the exhibit introduced into evidence through him. Counsel were understandably deceived by relying upon the statements of the prosecution in the presence of representatives from the Atomic Energy Commission with their implied approval and acquiescence. In light of the above, counsel for the defendants could not or would not seek to obtain scientific aid, even if such assistance were available, to properly conduct effective cross-examination in this area either of David Greenglass or John A. Derry.

I do not attempt to set forth in this affidavit all of the allegations and other evidentiary material which will be included in the amended petition, or set forth in detail the inherent interrelationship of the application for relief relating to the most recently obtained evidence and

the matters set forth and encompassed in the original petition. In summary, new grounds for relief will be set forth in the amended petition and the material will closely relate and strengthen the grounds for relief as originally set forth in the first petition.

While the primary obligation for the work in the preparation of the amended petition must lie with New York counsel, it is nevertheless the fact that there are other counsel involved who must be fully apprised of the content of the amended petition and they must be afforded an opportunity to comment upon and approve the same. This, necessarily, takes some time. In addition, the preparation of supporting papers in conjunction with persons other than counsel is a time-consuming process. The petitioner should be afforded an opportunity to be apprised in greater detail of the petition and its contents in light of his involvement in the discussions of the unimpounded evidence at the very outset.

This in no way prejudices the respondents. The necessary delay only protracts the period of incarceration of the petitioner. All of the evidence which is new to the petitioner is not new to the government. They have not revealed by their answering papers any new facts which prejudice their position. In any event, petitioner, in a proceeding such as this and by the nature of the issues involved, would and should have the right not only to reply to the answering papers but to amend the petition in light thereof. In this instance, there are special and unique circumstances --the obtaining of new and significant evidence relating to the original petition and affording additional grounds for relief.

One of the contentions of the respondents in attempting to demurr to the original petition, is that petitioner has engaged in piece-meal litigation. By serving an amended petition encompassing the new and supplementary data we would avoid the very thing the respondents complain of.

Absent counsels' other engagements, the unique nature of the new evidence, requires the expenditure of much time in not only acquiring the facts but in drawing the petition.

WHEREFORE, it is respectfully requested that this Court grant an order allowing petitioner to file an amended petition by August 9, 1966, and that petitioner be afforded an opportunity to reply to any answering papers submitted by the government and for such other and further relief as to the court may seem necessary and proper in the premises.

---

MARSHALL PERLIN

Sworn to before me this  
day of July, 1966.

MOSES J. OELBAUM  
Notary Public, State of New York  
No. 24-8199007  
Comm. Exp. in Kings County  
Certificate filed in New York County  
Comm. Exp. Expires March 30, 1968

FBI

Date: 7/27/66

Transmit the following in \_\_\_\_\_

(Type in plaintext or code)

AIRTEL

(Priority)

TO : DIRECTOR, FBI (101-2483)  
(ATTN: CRIME RECORDS)

FROM : SAC, NEW YORK (100-37158) (P)

SUBJECT: MORTON SOBELL  
ESP - R  
(OO: NEW YORK)

Re NY airtel, 7/26/66.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 4-29-87 BY 3042/PWT/CLS

AUSA ROBERT L. KING, SDNY, advised that in accordance with order of USDC, SDNY, a hearing was held on 7/27/66, before USDJ EDMUND L. PALMIERI regarding a court order issued by Judge PALMIERI, 4/21/66, allowing the defense inspection of a sealed trial exhibit.

AUSA KING moved that the arguments be heard in the judge's chambers, which was granted.

KING advised the defense was represented by Attorney MARSHALL PERLIN, who argued that the previous court order keeping the Greenglass atomic sketch secret should be relaxed as there was no need for such continued secrecy.

KING argued that the original court order making this

- ① - Bureau (RM)  
(1 - 62-108323) (WALTER D. SCHNEIR)  
(ATTN: Crime Records)

REC 22

- 1 - New York (100-109649) (HELEN SOBELL)  
1 - New York (100-135206) (WALTER D. SCHNEIR)  
1 - New York (100-107111) (CSJMS) (41)  
1 - New York (100-89559) (MARSHALL PERLIN)  
1 - New York

101-2483-1633

JUL 28 1966

PFD:jld  
(11)

56 AUG 5 1966

Approved: \_\_\_\_\_

Special Agent in Charge

Sent \_\_\_\_\_

M

Per \_\_\_\_\_

CRIME RESEARCH

SOVIET SECTION

100-108323

NY 100-37158

exhibit available to the defense should be rewritten making the terms of its availability more explicit. He pointed out to the court several instances in which defense counsel, while complying with the previous order, were doing so in such a manner as to make the terms of the court order ineffective.

The court ruled that the previous order issued by the court allowing the defense inspection of government trial exhibit #8 should be rewritten as requested by the government, and set 7/29/66, as date for further hearing on this matter.

AUSA KING advised confidentially that Judge PALMIERI appeared to be somewhat upset by the fact that a previous court order had apparently been taken so lightly by defense counsel. KING stated he pointed out to the court that although the original order called for the defense to furnish the names of scientific experts to the government prior to their inspection of the exhibit, in one case the defense advised by a letter written on 5/24/66, that they intended to consult with an expert on that date, and in another case the defense advised by letter dated 7/6/66, that they would consult an expert on 7/7/66. He stated as a result, the government was not aware of these examinations until they had been completed.

Bureau will be kept advised.



FBI

Date: 8/2/66

PLAINTEXT

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL \_\_\_\_\_  
(Priority)

TO: DIRECTOR, FBI (101-2483)

FROM: SAC, NEW YORK (100-37158) (P)

SUBJECT: MORTON SOBELL  
ESP - R  
(OO: NEW YORK)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4-29-87 BY 3042/PWT/CLS

Re Buairtel to NY, 7/27/66.

For the information of Albany, subject's attorneys have brought action under Section 2255, USC, which is presently pending in USDC, SDNY, to have subject's conviction upset. Partial basis for subject's action is contention by the defense that the atomic drawing and testimony of DAVID GREENGLASS was false. The defense has succeeded in having the court make available the above sketch and testimony in order that it might be examined by the defense. The defense has identified to the court Dr. PHILIP MORRISON as one of their experts who would review this material.

In referenced airtel, the Bureau advised that the USA, SDNY, should be furnished a LHM setting forth public source information concerning Dr. PHILIP MORRISON for his use in connection with above proceedings.

- 3 - Bureau (RM)
- 2 - Albany (RM)
- 1 - New York (100-107111) (CSJMS) (41) EX-103
- 1 - New York

PRD:mav  
(9)

REC 53

1 AUG 3 1966

SOVIET SECTION

61 AUG 9 1966

Special Agent in Charge

Sent

M

Per

NY 100-37158

The files of the NYO contain numerous references to MORRISON, however, most of the material in NYO files appears to be old information. The latest documentation furnished by Albany for MORRISON is dated 1958.

Since Albany is Office of Origin in the case concerning MORRISON, it is requested that Albany review its file concerning him and furnish NY with copies of reports which contain pertinent information which can be made available to the USA, SDNY.

If no suitable reports are available, it is requested that Albany prepare a LHM containing a summary of pertinent background data and subversive activity which can be made available to the USA. Two copies should be furnished to the NYO, and one copy should be furnished to the Bureau for dissemination to the Department. This lead must be handled on an expedite basis since hearing in this motion is scheduled for near future.

FBI

Date: 7/29/66

Transmit the following in \_\_\_\_\_

(Type in plaintext or code)

Via \_\_\_\_\_

AIRTEL

(Priority)

TO : DIRECTOR, FBI (101-2483)  
(ATTN: CRIME RECORDS)

FROM : SAC, NEW YORK (100-37158) (P)

SUBJECT: MORTON SOBELL  
ESP - R  
(OO: NEW YORK)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 4-29-87 BY 3042/PWT/CLS

Re New York airtel, 7/27/66.

Enclosed herewith for the Bureau is a Xerox copy of an article which appeared in the "New York Times", 7/28/66, re captioned case.

As noted in referenced airtel, a hearing was held in USDC, SDNY, 7/27/66, regarding a previous court order allowing defense inspection of a sealed trial exhibit. In connection with this, AUSA ROBERT L. KING advised that USDJ EDMUND L. PALMIERI was concerned that defense counsel might not have complied in full with the court order.

In connection with the above, KING inquired if we had any information which would indicate that HELEN SOBELL had engaged in any activity at the Committee to Secure Justice for Morton Sobell (CSJMS), which might be the basis for contempt

- ④ - Bureau (ENCL. **ENCLOSURE**)  
(1 - 62-108323) (WALTER D. SCHNEIR)  
(ATTN: Crime Records)

- 1 - New York (100-109649) (HELEN SOBELL)  
1 - New York (100-135206) (WALTER D. SCHNEIR)  
1 - New York (100-107111) (CSJMS) (41)  
1 - New York (100-89559) (MARSHALL PERLIN)  
1 - New York

PFD:jld  
(10)

EX 110  
JUL 30 1966

JUL 30 1966

331  
AUG 10 1966  
Special Agent in Charge

Sent \_\_\_\_\_ M

CRIME RECORDS

SOVIET SECTION



NY 100-37158

of court action against defense counsel.

The actions of HELEN SOBELL at a meeting of the CSJMS on 5/4/66, as noted in New York airtel to the Bureau 5/6/66, were discussed informally with AUSA KING on 7/28/66. He advised that after conferring with AUSA SILVIO MOLLO, Head of the Criminal Division, SDNY, it was decided that no action should be taken by the government in this regard, but that it might be desirable, if during a future proceeding, the defense could be asked by the court if any unauthorized persons had been given access to government exhibit #8.

On 7/28/66, AUSA KING advised that the Department was concerned regarding enclosed article which appeared in the "New York Times". KING advised that SIDNEY E. ZION, author of the article, had been advised of the government's position by him on 7/27/66, but did not attempt to reflect that position in the article.

On 7/29/66, AUSA KING advised that at a hearing on this date before USDJ PALMIERI, in Chambers, defense was represented by MARSHALL PERLIN, WILLIAM M. KUNSTLER, ELEANOR J. PIEL, and ARTHUR KINOY. The government attempted to have the court issue a new order making more explicit the restrictions under which government exhibit #8 would be made available to the defense, and calling for all future hearings on the question of exhibit #8, or papers filed with the court relating thereto, should be secret. (KING stated it was the opinion of the Department that such an order would prevent the defense from making propaganda speeches in open court, and attempting to argue the merits of this case in the daily newspaper.)

Defense counsel objected to the government's position stating it was a violation of the Constitutional rights of the defendant to require that hearings in connection with his petition under Section 2255, USC, not be held in open court. The court requested that the government submit a brief on this question by 4:00 p.m., 8/2/66, and set a hearing in open court on this point for 3:00 p.m., 8/3/66. In addition, the court stated that until this question is resolved, any papers filed relative

NY 100-37158

to exhibit #8 are to remain secret, and if the defense confers with additional experts, the government is to be given three days prior notice of such intent.

KING advised that during the course of today's proceedings, as at other proceedings, defense counsel PERLIN continually referred to exhibit #8 as "impounded evidence". KING requested that the court explain to defense counsel that it was not impounded but an exhibit sealed by court order. He also indicated that he would also like to ask the defense if to date it had been made available to any persons not authorized by the court. The court asked the latter question of MARSHALL PERLIN and he stated that to his knowledge it had not been disclosed to any unauthorized persons. PERLIN stated it had been made available to the attorneys whose names appear on defendant's petition under Section 2255, namely WILLIAM M. KUNSTLER, MALCOLM SHARP and BENJAMIN DREYFUS. He said in addition it had been made available to attorney ELEANOR JACKSON PIEL and the defendant.

KING advised that the court also requested that the government obtain further clarification from the AEC regarding their desire in connection with the GREENGLASS sketch of the atomic bomb. It was noted by the court that the AEC, in previous correspondence to the Department of Justice, stated that it was "desirable" that "Comparable" information not be made public. The court requested additional clarification of the meaning of these two words. KING stated that this request would be handled by the Department with the AEC.

AUSA KING requested that if possible he be furnished with a thumbnail sketch containing available information concerning each of the members of the defense counsel. UACB, such material will be provided to the AUSA for his benefit.

Bureau will be advised of future developments.

(Mount Clipping in Space Below)

# Sobell Case Judge Seals Alleged A-Bomb Sketch

By SIDNEY E. ZION

A Federal judge sealed at a closed hearing yesterday a copy of an alleged sketch of the atomic bomb that Julius and Ethel Rosenberg purportedly turned over to the Soviet Union in 1945.

The move was made at the request of the Government, which demanded a closed hearing in the chambers of Judge Edmund L. Palmieri on the ground of national security.

The action was bitterly opposed by the attorney for Morton Sobell, who has charged that the sketch is "completely false" and does not contain secret material. Sobell was convicted in 1951 with the Rosenbergs of conspiracy to commit espionage. The Rosenbergs were executed for the crime two years later. Sobell received a 30-year sentence because he had actually not been involved in atomic espionage.

## Positions Differ

In the current action, Sobell is moving to upset his conviction on numerous grounds, particularly that the sketch did not represent the atomic bomb dropped at Nagasaki, as the Government contended.

The Government's demand for secrecy was in direct contrast with its position at the trial, when it offered the sketch in evidence. It also differed from the position taken from the outset by the Atomic Energy Commission, which had declassified the sketch.

At the trial, the late Emanuel Bloch, lawyer for the Rosenbergs, startled the prosecution by asking that the sketch be impounded. This maneuver, never explained by Mr. Bloch, has been criticized by legal experts over the years. They point

out that it gave defense approval to the Government's basic contention that there was a "secret" of producing the bomb that could be transmitted to the enemy through a sketch.

The sketch was impounded by the trial judge, Irving R. Kaufman, and remained sealed until April, when Sobell's lawyers were permitted to have it in order to attack its authenticity.

On Monday, Marshall Perlin, Sobell's counsel, said in court that two scientists "intimately" connected with the making of the atomic bomb would testify that the sketch was "completely false."

## Affidavit Filed

If the court orders a hearing and Mr. Perlin produces the proof he has promised, the effects could be dramatic. The sketch was the key item of scientific evidence against the Rosenbergs, who were said by Judge Kaufman to have "caused . . . the Communist aggression in Korea [and] altered the course of history to the disadvantage of our country."

If the charges are substantiated it would seriously undermine the integrity of those who handled the prosecution of the Rosenberg case.

The Government said in an affidavit that it was basing its move to keep the sketch

that "comparable information" concerning other atomic weapons was still classified by the A.E.C. It cited a letter to that effect by the Director of the Division of Classification of the A.E.C.

However, the director, C. L. Marshall, said by telephone from the commission's offices in Germantown, Maryland, that the commission's position had remained unchanged, that the sketch was "declassified" material.

"By declassified," he explained, "we mean that it may be published without undue risk to the national defense and security."

When told of this, Stephen E. Kaufman, Assistant United States Attorney and chief of the Criminal Division, said:

"It is the position of the Department of Justice that it would not be in the public interest to make the sketch public."

## Jurisdiction Challenged

But Mr. Perlin, who will move Friday to unseal the sketch and the testimony surrounding it, said:

"The Justice Department has no jurisdiction to determine what is secret information. The A.E.C.'s position again makes it crystal clear that there is nothing secret about it."

"The Government wishes by this device to impede us from proceeding and getting additional witnesses to establish clearly that every bit of material is either false or of public knowledge," Mr. Perlin charged. "They want to hide this fact and at the same time to give the imprimatur of secrecy on something that is in the public domain. By so doing they apparently hope to scare off other possible scientists from testifying for Sobell."

Walter Schneir, who co-authored last year "Invitation to an Inquest," the book that served as a basis for Sobell's new-trial motion, said:

"It is a scene out of Alice in Wonderland. It is obvious that the Justice Department is now attempting to suppress the sketch for political rather than national security reasons."

(Indicate page, name of newspaper, city and state.)

10 NEW YORK TIMES

Date: JUL 28 1966  
Edition: LATE CITY  
Author:  
Editor:  
Title:

Character:  
or

Classification:  
Submitting Office:

☐ Being Investigated

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6-1-87 BY 2042/PWT/pas

101-2483-635  
ENCLOSURE

100-37158  
SEARCHED INDEXED  
SERIALIZED FILED  
JUL 28 1966  
FBI-NEW YORK



FBI

Date: 8/3/66

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	✓
Mr. Wick	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

Transmit the following in \_\_\_\_\_

(Type in plaintext or code)

Via \_\_\_\_\_

AIRTEL

(Priority)

TO: DIRECTOR, FBI (101-2483)  
 FROM: SAC, NEW YORK (100-37158) (P)  
 SUBJECT: MORTON SOBELL  
~~ESP-R~~ *ESPIONAGE - RUSSIAN*  
 (OO:NY)

Re NY airtel, 7/29/66

*ASSIST. U.S. ATTORNEY*

AUSA ROBERT L. KING, SDNY, advised that the Department consulted with the AEC in Washington in an effort to obtain clarification from the AEC as to the present classification status of the GREENGLASS sketch and testimony concerning the atomic bomb. The AEC advised the Department, after consultation on the matter, that the GREENGLASS sketch was no longer classified, since it had been declassified at the time of the trial. The AEC said it had no legal means for maintaining the secrecy of this exhibit, but that as a matter of general policy the AEC does not disseminate any information concerning atomic weapons.

KING advised that as a result of the above ruling from the AEC, which in effect weakened the position which had previously been taken by the AEC, the Department decided it would have to reverse its position in the matter presently pending in USDC, SDNY.

KING advised that the hearing scheduled for today in USDC, SDNY, regarding the status of government trial

*District Court*

③ Bureau (RM)

1-New York (100-109849) (HELEN SOBELL)  
 1-New York (100-107111) (CSJMS) (41)  
 1-New York (100-89559) (MARSHALL PERLIN)  
 1-New York (100-37158) *SI WH. PP*

PPD: pma  
 (8) *EP-100*

RECEIVED

AUG 14 1966

51 AUG 10 1966

Approved: \_\_\_\_\_

Special Agent in Charge

Sent \_\_\_\_\_

M

Per \_\_\_\_\_

SOVIET SECTION

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 4-29-87 BY 3042 PWT/RS

101-2483-1634

NY 100-37158

*District Judge*

Exhibit 8, was held before USDC EDMUND L. PALMIERI at 3:00 P.M. Defense was represented by MARSHALL PERLIN and ARTHUR KINOY. The courtroom contained about 40 supporters of subject.

PERLIN requested that the government produce the previously received letter from the AEC regarding the status of Exhibit 8. KING advised the court that the government was withdrawing its previous motion to maintain secrecy of Exhibit 8, and then read the most recent ruling of the AEC.

The court accepted the position of the government and set 8/15/66 as the date for the defense to file amended petition under Section 2255, and the date of 8/29/66 for reply by the government.

KING stated that following his stating of the government's position at today's hearing, the court cautioned the defense counsel that although restrictions had been removed this was a serious matter, and there was a note of caution in the AEC statement, which would dictate that defense counsel should use discretion and good judgement in making such matters public.

After the comments by the court, HELEN SOBELL, who was present as a spectator, arose and requested that she be heard by the court. After she identified herself, the court said she could not be heard as she was represented in the court by two attorneys and could be heard through them. She ignored this comment by the court and started making a speech stating that her husband was beginning his 17th year of imprisonment. She was urged by defense counsel PERLIN to be seated but she also ignored him. The court interrupted her talk to advise her that she apparently did not understand the proceedings which had just taken place. The court further explained to her what had just taken place and the hearing was ended without further comment from her.

Above for information of Bureau.

FBI

Date: 8/4/66

Transmit the following in \_\_\_\_\_

(Type in plaintext or code)

Via

AIRTEL

AIRMAIL

(Priority)

TO: DIRECTOR, FBI (101-2483)

FROM: SAC, ALBANY (65-1672) (RUC)

SUBJECT: MORTON SOBELL  
ESP - R  
OO: New York

Re New York airtel to Bureau 8/2/66, three Xerox copies of which are enclosed for Boston.

Inasmuch as Boston is presently OO in the case of PHILIP MORRISON, Boston is requested to handle the lead contained in reairtel.

3-Bureau (RM)

3-Boston (1 - 100-24710) (PHILIP MORRISON) (Encs. 3) (RM)

1-New York (100-37158) (Info.) (RM)

2-Albany (1 - 100-9489)

ETB/ajn

(9)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4.29.87 BY 3042/PWT/als

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101-2483-1637

C. D. - WICK

AUG 6 1966

331  
56 AUG 10 1966

SOVEREIGN SECTION

Approved: \_\_\_\_\_

Special Agent in Charge

Sent \_\_\_\_\_

M

Per \_\_\_\_\_

## Domestic Intelligence Division

## INFORMATIVE NOTE

Date 8/4/66

Subject currently serving 30-year sentence for espionage conspiracy as result of conviction along with Julius and Ethel Rosenberg in 1951. He filed his 6th motion to set aside his conviction on 5/13/66. During course of trial, David Greenglass, Government witness, introduced copy of sketch of atomic bomb he gave to Rosenberg. Sketch, identified as Exhibit 8, was impounded at request of defense counsel. During current motion sketch was released to permit defense to have it examined by scientists. Government moved to have court order releasing exhibit made more restrictive and judge requested clarification of Atomic Energy Commission (AEC) position. AEC advised sketch not classified but as matter of policy it did not disseminate information about atomic weapons. As result of this statement, Department withdrew motion to maintain secrecy of Exhibit 8 and court cautioned defense to use discretion. Helen Sobell, wife of subject, attempted to make speech in court, but judge explained to her what had happened and hearing was adjourned.

JPL:sal

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4-29-87 BY 3842 FWT/45  
w502 97



F B I

Date: 8/11/66

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

Transmit the following in \_\_\_\_\_

(Type in plaintext or code)

Via

AIRTEL

(Priority)

TO: DIRECTOR, FBI (101-2483)  
 FROM: SAC, NEW YORK (100-37158)  
 SUBJECT: MORTON SOBELL  
 ESP - R  
 (OO: NY)

On the afternoon of 8/4/66, AUSA ROBERT L. KING, SDNY, advised the NYO he had received information that Defense Attorney MARSHALL PERLIN would appear that evening on the WALTER KRONKITE News Program over CBS-TV to discuss the SOBELL case and the release of the GREENGLASS atomic sketch and testimony.

On 8/5/66, AUSA KING advised that PERLIN did not appear on the above program because of the following action which had been taken:

KING stated that on the afternoon of 8/4/66, he conferred with the Department regarding PERLIN's appearance. He stated the Department was very much concerned and stated this was a violation of Rule 20 of the Canon of Ethics for Attorneys. KING said the Department requested that he institute action in USDC to have Court action taken against PERLIN should he appear on such a program. KING stated in view of this he telephonically contacted PERLIN at 5:30 p.m. on 8/4/66 to advise him that any such

- 1 - BUREAU (RM)  
 1 - NY 100-109849  
 1 - NY 100-107111  
 1 - NY 100-89559  
 1 - NY 100-146994  
 1 - NY 100-37158

(HELEN SOBELL)  
 (CSJMS) (41)  
 (MARSHALL PERLIN)  
 (WILLIAM M. KUNSTLER)

101-2483-1638

AUG 12 1966

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 5-6-87 BY 302/201/201

PFD:mfd (#332)

C G

Approved: *[Signature]*  
 54 AUG 28 1966  
 Special Agent in Charge

Sent

Per

SOVIET SECTION



NY 100-37158

appearance was a violation of the Canon of Ethics and of the proposed action to be taken by the Government. At this time PERLIN indicated he was not familiar with the provisions of Rule 20, whereupon KING read the pertinent portion of it to him on the telephone. PERLIN then stated to KING that in view of this, he would call the television station and cancel his authorization for the interview with him to be shown that evening. He stated he would also cancel an interview which was scheduled to be heard over WCBS radio. PERLIN indicated that both the radio and television interviews had been taped earlier on 8/4/66.

AUSA KING advised that he also just learned that Defense Attorney WILLIAM M. KUNSTLER had appeared on an interview program on FM radio station WBAI on 8/2/66 during which he discussed the SOBELL case for approximately 40 minutes. KING requested whether it was possible for this office to secure a tape recording of KUNSTLER's discussion.

As the Bureau is aware, radio station WBAI is a very controversial station and in the past has carried a number of programs extremely critical of the Bureau. KING was advised of this and the fact that we had no liaison with this station.

KING stated that in view of this, he would consider issuing a subpoena to radio station WBAI in an effort to obtain a recording of KUNSTLER's comments.

It is noted that on 7/14/66, NY 3872-S advised that at a meeting of the Committee to Secure Justice for Morton Sobell on 7/6/66, HELEN SOBELL advised those in attendance that two radio programs would be heard over station WBAI, one on August 2nd and one on August 9, 1966.

The above is being furnished for the information of the Bureau.

FBI

Date: 8/16/66

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL \_\_\_\_\_  
(Priority)

TO: DIRECTOR, FBI (101-2483) *warso*

FROM: SAC, NEW YORK (100-37158) (P)

SUBJECT: MORTON SOBELL  
ESP-R

ReNYairtel, 8/3/66.

AUSA ROBERT KING advised 8/15/66, that at a hearing held on that date the subject's counsel was granted a delay in filing the amended petition until Monday, 8/22/66. The Government's reply to the amended petition is to be filed on 9/3/66 and 9/12/66 has been set for the argument on the petition. On the basis of the present calendar, according to AUSA KING, the argument should be held before Judge WEINFELD.

429.87 3042/PWT/C/S  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/15/82 BY SP2 TAC/agg  
77C3W999

- ② - Bureau (RM) *10 Oct*
- 1 - New York (100-109849) (HELEN SOBELL)
  - 1 - New York (100-107111) (CSJMS) (41)
  - 1 - New York (100-89559) (MARSHALL PERLIN)
  - 1 - New York (100-118562) (ARTHUR KINOY)
  - 1 - New York (100-146994) (WILLIAM M. KUNSTLER)
  - 1 - New York

WCR:mfv  
(11)

REC-26

101-2483-1639

EX 101

11 AUG 17 1966

57 AUG 22 1966  
Approved: \_\_\_\_\_  
Special Agent in Charge

Sent \_\_\_\_\_

per \_\_\_\_\_

*SOVIET SECTION*

5-113a ((8-28-66))

Domestic Intelligence Division

INFORMATIVE NOTE

Date 8/12/66

Sobell is convicted member of Rosenberg network who has motion pending in U.S. District Court to have conviction upset. Partial basis for his contention is that atomic bomb drawing impounded by court at trial was false. On 8/3/66 the court with Government permission released this drawing publicly. Motion is to be argued 8/15/66.

Information received Defense Attorney Perlin was to appear on Walter Kronkite TV News Program 8/4/66 to discuss this matter, but canceled his appearance when AUSA, SDNY, called to his attention his appearance would be in violation of Rule 20, Canon of Ethics (unethical for attorney in pending litigation to discuss same ex parte in public media).

Information was also received Defense Attorney Kunstler discussed this matter 8/2/66 on FM radio station WBAI. This station is one of several owned by Pacifica Foundation which has previously carried a number of programs extremely critical of Bureau.

APL:sal

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4-29-81 BY 342705/KIS

FBI

Date: 8/23/66

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

Via AIRTEL

(Priority)

TO: DIRECTOR, FBI (101-2483)

FROM: SAC, NEW YORK (100-37158) (P)

SUBJECT: MORTON SOBELL  
ESP - R

ReNYairtel, 8/16/66.

Subject's counsel filed amended petition under Section 2255, Title 28, on 8/22/66. It consists of 64 pages to which is attached a copy of Government Exhibit 8; a 16 page affidavit of Dr. HENRY LINSCHITZ; an 8 page affidavit of Dr. PHILIP MORRISON; and a 7 page affidavit of WALTER and MIRIAM SCHNEIR.

In addition to allegations contained in petition filed May, 1966, re GOLD perjuring himself and the manufacture of the false Hilton Hotel registration card, the amended petition alleges that the Government created and used false and perjurious testimony concerning the sketch of the atom bomb (Exhibit 8) and that the Government created the impression that the sketch contained "the secret of the atom bomb," when in fact many secrets went into the construction of the bomb.

AUSA ROBERT KING advises Government's answer will probably point out that neither GREENGLASS nor DERRY testi-

- 3 - Bureau (RM)
- 1 - New York (100-109849) (HELEN SOBELL)
  - 1 - New York (100-107111) (CSJMS)
  - 1 - New York (100-89559) (MARSHALL PERLIN)
  - 1 - New York (100-118562) (ARTHUR KINOY)
  - 1 - New York (100-146994) (WILLIAM M. KUNSTLER)
  - 1 - New York (100-146994) (WILLIAM M. KUNSTLER)

WCR:jaw  
(10)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12-12-82 BY 28200/SS

Approved: \_\_\_\_\_  
Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

70 AUG 30 1966

101-2483-1640

14 AUG 24 1966

SOVIET SECTION

NY 100-37158

fied that the secret of the atomic bomb was contained in the sketch, but merely that the sketch contained the principle of the bomb; also, that the affidavits of the scientists do not take issue with the Government's contention but rather tend to confirm it. KING stated that the petition fails to submit any evidence of perjury and does not show that the Government knew that any of the testimony was perjured. KING expressed opinion subject's counsel have built a strawman; namely, that the Government contended that the sketch contained the secret of the bomb and now are proceeding to "poke holes in it."

KING stated the Government still intends to submit its answer to the petition on 9/3/66, so that arguments can be held on 9/12/66, before Judge WEINFELD.

Copy of amended petition will be furnished the Bureau as soon as obtained from AUSA KING.



8/26/66

CODE

TELETYPE

URGENT

1 - Mr. Lee

TO SAC NEW YORK (100-37158)

FROM DIRECTOR FBI (101-2483)

MORTON SOBELL, ESPIONAGE - RUSSIA

SENT BY CODED TELETYPE

IN CONNECTION WITH SUBJECT'S MOTION TO SET ASIDE CONVICTION, DEPARTMENT OF JUSTICE ATTORNEY HAS REQUESTED INFORMATION, IF AVAILABLE, CONCERNING OTHER ITEMS DESTROYED AT SAME TIME AS REGISTRATION CARD FOR HARRY GOLD AT THE HILTON HOTEL, ALBUQUERQUE, FOR SEPTEMBER NINETEEN, ONE NINE FOUR FIVE, WAS DESTROYED BY YOUR OFFICE. IF FIGURE FOR DESTRUCTION OF ITEMS IN OTHER FILES NOT AVAILABLE, ADVISE THE NUMBER OF ITEMS DESTROYED IN THE ROSENBERG, GOLD, AND SOBELL FILES AT THAT TIME. THIS INFORMATION IS DEEMED NECESSARY TO REBUT POSSIBLE CLAIM OF THE DEFENSE THAT THIS CARD WAS THE ONLY ITEM DESTROYED BY YOUR OFFICE ON THAT DATE. SUTEL.

JPL:sal  
(3)

NOTE: This request for the above information was telephonically requested by Special Agent J. P. Lee from Departmental Attorney Paul Vincent on 8/26/66. Teletype used since information needed in connection with Government reply which will be filed 9/3/66.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4-29-87 BY SP4/afj/sls

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Wick \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

CODING UNIT

TELETYPE UNIT

ENCODED MESSAGE

REC-82/01-2483-1641

EX-103

15 AUG 29 1966

MAIL ROOM ☐ TELETYPE UNIT ☐



FBI

Date: 8/16/66

Transmit the following in \_\_\_\_\_

(Type in plaintext or code)

Via AIRMAIL

AIRTEL

(Priority)

TO : DIRECTOR, FBI (101-2483)  
 FROM : SAC, BOSTON (100-24710) (RUC)  
 SUBJECT: MORTON SOBELL  
 ESP - R  
 OO: New York

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 1-29-87 BY 3042/PW/JS

Re New York airtel to Bureau, 8/2/66, and  
 Albany airtel to Bureau, 8/4/66, both captioned as above.

Enclosed herewith for the Bureau are three  
 copies and for New York two copies of an LHM dated as  
 above and captioned "PHILIP MORRISON".

Per New York request that copies of reports  
 which contain pertinent information regarding PHILIP  
 MORRISON be forwarded to that office so that this in-  
 formation could be made available to the USA, SDNY,  
 the following reports and LHMs are being submitted for  
 the completion of the New York file:

Report of SA PETER E. MAXSON dated 11/24/64  
 at Albany entitled, "PHILIP MORRISON, SM - C"

Xerox copy of Albany LHM dated 5/11/64 at  
 Albany captioned "PHILIP MORRISON"

3 - Bureau (AM) (RM) (Encls. 3)  
 3 - New York (AM) (RM) (Encls. 5) REC-26  
 (2 - 100-37158)  
 (1 - 100-107111)

1 - Boston

TDM:grs

(7)

- C. Wick

AGENCY CC of LHM to RAO  
 REQ. REC'D  
 DATE FORW. 8-19-66  
 NOW FORW. [initials]  
 BY [initials]

18 AUG 17 1966

55 SEP 7 1966

Approved: [signature]

Special Agent in Charge

Sent \_\_\_\_\_

M

Per \_\_\_\_\_

BS 100-24710

TDM:grs

Copy of WFO LHM dated 1/20/66 at Washington, D.C. captioned "PHILIP MORRISON"

Subject continues to be carried on the Security Index of the Boston Office, however, since he returned to this area from Albany, New York, for the academic year 1964-65 at Massachusetts Institute of Technology, there has been no indication he has engaged in any known subversive activity. Boston informants familiar with some phases of CP activity in the Metropolitan Area have been contacted with negative results regarding PHILIP MORRISON.

Review of the files of the Boston Office further fails to indicate any participation on the part of MORRISON in demonstrations, teach-ins, civil disobedience, or other activity protesting U. S. action in Vietnam or the Dominican Republic.

In view of the above, this case is being RUC to  
OO New York.



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to  
File No.

Boston, Massachusetts

August 16, 1966

PHILIP MORRISON

Philip Morrison, born November 7, 1915, at Somerville, New Jersey, resides at 15 Bowdoin Street, Cambridge, Massachusetts, and is employed in the Department of Physics, Massachusetts Institute of Technology (MIT), Cambridge, Massachusetts.

In testimony before a Senate Subcommittee hearing in May, 1953, Morrison admitted that he joined the Young Communist League when he was about 18 years old and that he became a member of the Communist Party (CP) in 1939.

Morrison, when interviewed by Special Agents of the Federal Bureau of Investigation (FBI) in November, 1953, admitted having been a member of the CP at Berkeley, California, but refused to furnish additional information concerning his membership or activities as a member of the CP.

The April 13, 1964 issue of "The New York Times", page 23, contained an advertisement of the Emergency Civil Liberties Committee (ECLC) setting forth the names of members of the Executive Committee of the National Council of the ECLC. The name of "Prof. Philip Morrison" was included in this list.

A characterization of the ECLC is attached hereto.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4-29-87 BY 3042/PWT/CLS

101-2483-1642

ENCLOSURE

EMERGENCY CIVIL LIBERTIES COMMITTEE

The "Guide to Subversive Organizations and Publications," revised and published as of December 1, 1961, prepared and released by the Committee on Un-American Activities, United States House of Representatives, Washington, D. C., contains the following concerning the Emergency Civil Liberties Committee:

"Emergency Civil Liberties Committee

- "1. 'The Emergency Civil Liberties Committee is an organization with headquarters in New York, whose avowed purpose is to abolish the House Committee on Un-American Activities and discredit the FBI. \* \* \* The committee finds that the Emergency Civil Liberties Committee, established in 1951, although representing itself as a non-Communist group, actually operates as a front for the Communist Party. It has repeatedly assisted, by means of funds and legal aid, Communists involved in Smith Act violations and similar legal proceedings. One of its chief activities has been and still is the dissemination of voluminous Communist propaganda material.

'FRANK WILKINSON was called as a witness when he appeared in Atlanta as a representative of the Emergency Civil Liberties Committee to propagandize against the Committee on Un-American Activities and to protest its hearings. In 1956 WILKINSON was identified as a Communist Party member by a former FBI undercover agent within the party. Summoned at that time to answer the allegation, his reply to all questions was, "I am answering no questions of this committee." This also became his stock reply to questions when he appeared during the Atlanta hearings. \* \* \* WILKINSON has since been convicted of contempt of Congress and sentenced to one year in jail.

2.

APPENDIX

EMERGENCY CIVIL LIBERTIES COMMITTEE (CONT.)

"Disputing the non-Communist claim of the organization, the committee finds that a number of other individuals connected with the ECLC also have been identified under oath as Communists.  
\* \* \*

"(Committee on Un-American Activities, Annual Report for 1958, House Report 187, March 9, 1959, pp. 34 and 35.)

'To defend the cases of Communist law-breakers, fronts have been devised making special appeals in behalf of civil liberties and reaching out far beyond the confines of the Communist Party itself. Among these organizations are the \* \* \* Emergency Civil Liberties Committee. When the Communist Party itself is under fire these fronts offer a bulwark of protection.'

"(Internal Security Subcommittee of the Senate Judiciary Committee, Handbook for Americans, S. Doc. 117, April 23, 1956, p. 91.)"



**TRANSLATION FROM FRENCH**

**Addressee:** The Attorney General of the United States  
Washington, D. C.  
U. S. A.

**Addressor:** Mr. Roger Luce *R. Luce*  
6 Rue des Liserons  
Choisy-le-Roi 94, France

**Postmark:** Arnouville les Gonesse  
August 9, 1966

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4-29-87 BY 3042/PDT/PLS

Choisy-le-Roi  
August 9, 1966

Dear Attorney General:

The information furnished by the French Press Agency on August 5 and published by "Le Monde" on August 6, according to which "the lawyers of Morton SOBELL were authorized by a New York judge to institute law proceedings before August 15 in view of the revision of their client's trial," permits me to hope that this matter will be cleared up.

It is out of the question that such a leading trial could sentence a man, who is undoubtedly innocent, to thirty years in prison.

I ask you, Mr. Attorney General, to do everything possible immediately so that a new trial will take place according to the rules of the most basic justice.

This new Sobell trial might clear the ~~UPPER CASE FILE~~.

TRANSLATED BY *[redacted]*

August 29, 1966  
BUFILE 62-1077

(Translation and original material sent to Department 8/30/66 by Form 0-6, pursuant to their request.)

MAILED 4  
AUG 30 1966  
COMM-FBI

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Wick \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

55 SEP 4 1966

MAIL ROOM ☒ TELETYPE UNIT ☐



It is disturbing to note the liberties taken with justice, even in the so-called civilized countries--for example, the Ben Barka case in France, the Sacco-Vanzetti case and the Rosenberg-Sobell case in the United States ....

Please accept my regards.

Respectfully,

/s/ R. Luce

XXXXXX  
XXXXXX  
XXXXXXFEDERAL BUREAU OF INVESTIGATION  
FOIPA DELETED PAGE INFORMATION SHEET

Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- ☐ Deleted under exemption(s) \_\_\_\_\_ with no segregable material available for release to you.
- ☐ Information pertained only to a third party with no reference to you or the subject of your request.
- ☐ Information pertained only to a third party. Your name is listed in the title only.
- ☐ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

2

Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

Page(s) withheld for the following reason(s):

☐ For your information: \_\_\_\_\_

☒ The following number is to be used for reference regarding these pages:

101-2483 - N/R dated 8/30/66

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XXXXXXXXXXXXXXXXXXXXXXXXXXX  
X DELETED PAGE(S) X  
X NO DUPLICATION FEE X  
X FOR THIS PAGE X  
XXXXXXXXXXXXXXXXXXXXX

8/31/66

CODE

TELETYPE

URGENT

TO SAC ALBUQUERQUE

1 - Mr. Lee

FROM DIRECTOR FBI (101-2483)

MORTON SOBELL, ESPIONAGE - RUSSIA

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

REURTEL AUGUST TWENTY-SIX, LAST. DATE 4-29-87 BY 3042/PW/CB

YOU SHOULD ATTEMPT TO LOCATE AND INTERVIEW ROBERT S.  
CORDERO, FORMER AUDITOR FOR THE HILTON HOTEL, ALBUQUERQUE,  
AND DETERMINE FROM HIM FACTS SURROUNDING DESTRUCTION OF  
REGISTRATION CARDS IN MARCH, ONE NINE SIX THREE. ALSO CONDUCT  
ANY OTHER APPROPRIATE INVESTIGATION NECESSARY TO DETERMINE  
COMPLETE FACTS SURROUNDING DESTRUCTION OF REGISTRATION CARD  
FOR HARRY GOLD FOR JUNE THREE, ONE NINE FOUR FIVE, INCLUDING  
DATE OF DESTRUCTION. SUTEL. COPY MAILED NEW YORK.

1 - NEW YORK

JPL:sal  
(4)

REC 30

101-2483-1644

NOTE: Teletype used since Sobell's motion will be heard  
to set aside his conviction in September, 1966. Complete  
details concerning destruction of this registration card  
deemed desirable for purposes of this legal action.

19 SEP 1 1966

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Wick \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

NR. 312155  
ENC. *Je*  
CK *Je*  
APPROVED BY *Je*  
TYPED BY *Je*  
LOGGED BY 2326 *Je*

VIA TELETYPE  
AUG 31 1966  
5:03 PM LLS  
ENCIPHERED

57 SEP 8 1966  
MAIL ROOM ☐ TELETYPE UNIT ☒

*WAB*  
*Wet*  
*JPL*

101-2483-1645 IN THIS FILE SKIPPED DURING  
SERIALIZATION.

SEP 2 1975

BAO

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4-29-87 BY 3042/ADT/CK

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
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Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
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Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

# DECODED COPY

☐ AIRGRAM ☐ CABLEGRAM ☐ RADIO ☒ TELETYPE

3:11 PM URGENT 8-26-66 RDN

TO DIRECTOR

FROM ALBUQUERQUE /RUC/ 261945

*Brady*

MORTON SOBELL, ESPIONAGE-RUSSIA.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4-29-87 BY 3042/PAT/CB

REBUTEL AUGUST 25 LAST.

ON AUGUST 26 ROBERT WAGNER, MANAGER HILTON HOTEL FOR TWO AND ONE HALF WEEKS, AND WENDELL SNAPP, AUDITOR OF HOTEL SINCE JUNE LAST, STATE THEY HAVE NO CURRENT POLICY RE DESTRUCTION OF GUEST REGISTRATION CARDS, ARE STUDYING THE MATTER AND BELIEVE THEY WILL FORMULATE PLAN CALLING FOR DESTRUCTION OF ALL GUEST REGISTRATION CARDS OLDER THAN FIVE OR SEVEN YEARS.

HOTEL HILTON ALBUQUERQUE HAS NOT BEEN OWNED AND OPERATED BY THE HILTON CORP. SINCE 1963.

JOHN ARNHART, MANAGER HILTON HOTEL ALBUQUERQUE 1964 TO SUMMER 1966, STATED INFORMATION FURNISHED ON SEPTEMBER 3, 1965 RE DESTRUCTION OF GUEST REGISTRATION CARDS OF HILTON HOTEL ALBUQUERQUE PRIOR TO 1957 WAS OBTAINED FROM A FORMER EMPLOYEE AT HILTON HOTEL ALBUQUERQUE, BETTY JO HUTCHISON, CURRENT AUDITOR

*8/29/66  
8/31/66  
JPL: dal*

*tel to HQ  
8/31/66  
JPL: dal*

101-483-2483-1646

SEP 6 1966

*JPL*



Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Wick \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
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Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

# DECODED COPY

☐ AIRGRAM ☐ CABLEGRAM ☐ RADIO ☒ TELETYPE

PAGE 2, FROM ALBUQUERQUE 261945

FOR HIWAY HOUSE MOTELS, ALBUQUERQUE.

MRS. HUTCHISON, ACCOUNTS PAYABLE CLERK MARCH 1960 TO SEPTEMBER 1965, HILTON HOTEL ALBUQUERQUE STATED DURING HER EMPLOYMENT WITH THIS HOTEL THE POLICY WAS TO DESTROY ALL CARDS AFTER SEVEN YEARS OF DATE OF REGISTRATION. STATED IN MARCH 1963 COLE CORP. PURCHASED HILTON HOTEL ALBUQUERQUE, AND ROBERT S. CORDERO, THEN AUDITOR FOR HILTON HOTEL ALBUQUERQUE IN PREPARATION OF SALE, BROUGHT UP TO DATE THE DESTRUCTION OF ALL REGISTRATION CARDS THAT WERE OVER SEVEN YEARS OLD. RECALLED THAT IN SPRING, 1960, ALL HILTON GUEST REGISTRATION CARDS OVER SEVEN YEARS OLD WERE DESTROYED BY UNRECALLED EMPLOYEES PER THIS POLICY. STATED REGISTRATION CARDS FILED BY DATE AND IF TAKEN FROM FILE FOR ANY REASON, WERE, ON RETURN, PLACED IN PROPER DATE SEQUENCE.

BASED UPON THIS PRACTICE, HUTCHISON OF OPINION REGISTRATION CARD IN QUESTION OF HARRY GOLD DATED JUNE 3, 1945 HAS BEEN DESTROYED IN THE REGULAR COURSE OF BUSINESS BUT HAS NO IDEA AS TO DATE OF DESTRUCTION.

AIR-MAIL COPY TO NEW YORK.

RECEIVED: 6:28 PM LRC

REC-138

EX-103

Mr. J. Walter Yeagley  
Assistant Attorney General

September 1, 1966

Director, FBI

MORTON SOBELL  
ESPIONAGE - RUSSIA

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4-29-87 BY 3042/PWT/CLS

Reference is made to the telephonic request made by Departmental Attorney Paul Vincent of Special Agent James P. Lee of this Bureau on August 25, 1966, for information relative to the practice of the Hilton Hotel, Albuquerque, New Mexico, regarding the destruction of registration cards.

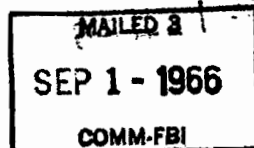
John Arnhart, manager of the Hilton Hotel from 1964 to 1966, stated that the information that he had furnished in September, 1965, concerning the destruction of guest registration cards had been obtained from a former employee of the hotel, Mrs. Betty Jo Hutchison.

Mrs. Hutchison, Hiway House Motels, Albuquerque, advised that she had been the accounts payable clerk at the Hilton Hotel, Albuquerque, from March, 1960, to September, 1965. She advised that during this time the policy of the hotel was to destroy all cards seven years after the date of registration. She continued that in March, 1963, the Cole Corporation purchased the hotel and Robert S. Cordero, then auditor for the hotel, in preparation for the sale brought up to date the destruction of all registration cards which were over seven years of age. An attempt will be made to locate and interview Cordero in order to verify the above information.

Mrs. Hutchison recalled that in the Spring of 1960 all guest registration cards over seven years old were destroyed by unrecalled employees in line with this policy. She added that the cards were filed by date and if taken from the file for any reason, the card was replaced in proper date sequence. Mrs. Hutchison offered the opinion that based upon this practice, the registration card for Harry Gold for June 3, 1945, was destroyed in the regular course of business, but she has no idea concerning the exact date of destruction.

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Wick \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

101-2483



SEP 1 1966  
FBI

MAIL ROOM ☐ TELETYPE UNIT ☐

SEE NOTE PAGE TWO.

**Mr. J. Walter Yeagley**

Robert Wagner, manager of the Hilton Hotel at the present time, and Wendell Snapp, auditor of the hotel, advised that they are studying the matter of destruction of records and believe they will formulate a plan calling for the destruction of all registration cards older than five or seven years.

This confirms the information telephonically furnished to Departmental Attorney Vincent on August 29, 1966, by Special Agent James P. Lee.

**NOTE:** This information was requested by Mr. Vincent in connection with the current motion of Morton Sobell to set aside his conviction since the defense is claiming that the above-mentioned registration card for Harry Gold was a fraudulent card.

8/25/66

CODE

TELETYPE

URGENT

SENT BY CODED TELETYPE

1 - Mr. Lee

TO SAC ALBUQUERQUE

FROM DIRECTOR FBI (101-2483)

MORTON SOBELL, ESPIONAGE - RUSSIA

REURTEL SEPTEMBER THREE, ONE NINE SIX FIVE, ENTITLED  
"JULIUS ROSENBERG, ESPIONAGE - RUSSIA."

IN CONNECTION WITH CURRENT MOTION OF SUBJECT TO SET  
ASIDE CONVICTION, OBTAIN FROM MANAGER, HILTON HOTEL,  
ALBUQUERQUE, IF POSSIBLE, THE EXACT OR APPROXIMATE DATE ON  
WHICH HARRY GOLD'S REGISTRATION CARD FOR JUNE THREE, ONE NINE  
FOUR FIVE, WAS DESTROYED. ALSO DETERMINE NORMAL OPERATING  
PROCEDURES OF HOTEL FOR DESTRUCTION OF REGISTRATION CARDS.  
ABOVE INFORMATION REQUESTED BY DEPARTMENT OF JUSTICE ATTORNEY.

BUTEL. COPY BEING MAILED NEW YORK.

1 - NEW YORK

JPL:sal  
(4)

NOTE: This request for the above information was received  
telephonically by Special Agent J. P. Lee from Departmental  
Attorney Paul Vincent on 8/25/66. Teletype used since this  
information is needed in connection with Government reply  
which is to be filed 9/3/66.

EX-103

REC-138

101-2483-1647

VIA TELETYPE

AUG 25 1966

4:00 PM ALH  
ENCIPHERED

61 SEP 9 1966 324

MAIL ROOM ☐ TELETYPE UNIT ☒

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Wick \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

NR. 254853  
ENC. 125E  
CK. 125E  
APPROVED BY 125E  
TYPED BY \_\_\_\_\_  
LOGGED BY \_\_\_\_\_

14 SEP 6 1966

TELETYPE UNIT

RECEIVED

9/2/66

CODE

1 - Mr. Lee

TELETYPE

URGENT

SENT BY CODED TELETYPE

TO SAC ALBUQUERQUE  
FROM DIRECTOR FBI (101-2483)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4-29-87 BY 3042/pot/cjs

MORTON SOBELL, ESPIONAGE - RUSSIA

REBUTEL AUGUST THIRTY-ONE, LAST.

IN CONNECTION WITH ATTEMPTS TO VERIFY DESTRUCTION OF  
HARRY GOLD'S REGISTRATION CARDS AT HILTON HOTEL, ALBUQUERQUE,  
DETERMINE IF ANY OTHER MATERIAL SUCH AS HOTEL STATEMENTS STILL  
IN EXISTENCE AND IF NOT, OBTAIN COMPLETE DETAILS RE DISPOSITION  
OF SAME. SUTEL COPY MAILED NEW YORK.

1 - NEW YORK (100-37158)

JPL:sal  
(4)

NOTE: Teletype used since Sobell's motion will be heard  
to set aside his conviction in September, 1966. It is  
deemed desirable to obtain complete details concerning  
destruction of evidence of Gold's stay at the Hilton Hotel  
for purposes of this legal action.

VIA TELETYPE

SEP 2 1966  
ENCIPHERED

NR. 02 16 22  
ENC. *miss*  
CK. *miss*  
APPROVED BY *miss*  
TYPED BY *miss*  
LOGGED BY

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Wick \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

MAIL ROOM ☐ TELETYPE UNIT ☐

19 SEP 6 1966



TELETYPE UNIT

AUG 3 1 1966

ENCODED MESSAGE

Mr. Tolson \_\_\_\_\_  
Mr. DeLoach \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Wick \_\_\_\_\_  
Mr. Casper \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Felt \_\_\_\_\_  
Mr. Gale \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Sullivan \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Miss Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

NY---10

FBI NEW YORK

10-31 PM URGENT 8-31-66 JVD

TO DIRECTOR

FROM NEW YORK (100-37158)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4-29-87 BY 3042/PWT/CLS

---ENCODED---

*Brainerd*

MORTON SOBELL, ESPIONAGE-R, BUFILE ONE ZERO ONE DASH TWO FOUR EIGHT THREE

REFERENCE BUREAU TELEPHONE CALL AUGUST THREE ONE. FILES, NYO,  
REFLECT FOLLOWING---

*7/3* BY TELETYPE, MARCH ONE FOUR, ONE NINE FIVE ONE UNDER ROSENBERG  
CAPTION, NYO REQUESTED ALBUQUERQUE TO FORWARD ORIGINAL REGISTRATION  
CARDS OF HARRY GOLD COVERING HIS STAY AT HILTON HOTEL ALBUQUERQUE,  
ON JUNE THREE, ONE NINE FOUR FIVE AND SEPTEMBER ONE NINE, ONE NINE FOUR  
FIVE. NYO NOTED THAT SUBPOENA WOULD BE ISSUED BUT USA BELIEVED DEFENSE  
MIGHT AGREE TO ADMIT ORIGINAL CARDS WITH <sup>out</sup> REQUIRING PRESENCE OF HILTON  
HOTEL REPRESENTATIVE. BY LETTER DATED MARCH ONE FIVE, ONE NINE  
FIVE ONE, UNDER HARRY GOLD CAPTION, ALBUQUERQUE FORWARDED ORIGINAL  
CARD COVERING JUNE THREE REGISTRATION OF GOLD, PLUS TWO HILTON HOTEL  
STATEMENTS FOR JUNE THREE AND SEPTEMBER ONE NINE, ONE NINE FOUR FIVE.  
ALBUQUERQUE NOTED THAT FBI LAB HAD RETAINED THE SEPTEMBER ONE NINE  
REGISTRATION CARD. COPY OF ALBUQUERQUE LETTER <sup>u</sup> ENCLOSURES WAS  
PLACED IN ROSENBERG FILE IN NYO AND WERE SUBSEQUENTLY RETURNED TO  
ALBUQUERQUE ON SEPTEMBER TWO FOUR, ONE NINE FIVE ONE PER THEIR REQUEST.  
END PAGE ONE.....

56 SEP 20 1966

*99c JP Lee*

*101-2483*

*1649*  
*SEP 7 1966*  
*SEP 7 1966*

PAGE TWO

BY LETTER DATED MARCH ONE FIVE, ONE NINE FIVE ONE UNDER ROSENBERG CAPTION, BUREAU ADVISED THAT THE HILTON HOTEL REGISTRATION CARD NUMBER SEVEN EIGHT SEVEN EIGHT THREE FOR GOLD'S RESIDENCE ON SEPTEMBER ONE NINE, ONE NINE FOUR FIVE HAD BEEN FORWARDED UNDER SEPARATE COVER ON MARCH ONE FOUR, ONE NINE FIVE ONE, BEING DESIGNATED AS Q DASH TWO IN BUREAU FILE SIX FIVE DASH FIVE SEVEN FOUR FOUR NINE. NO LAB LETTER OF TRANSMITTAL LOCATED IN NYO FILE ON EITHER ROSENBERG OR GOLD. GREEN SHEET REFLECTED HIS CARD WAS ENTERED AS ONE B THREE SEVEN NINE IN ROSENBERG FILE, NYO, AND DESTROYED ON FEBRUARY ONE ONE, ONE NINE SIX ZERO.

END

VA PLS ACK

VA...RAX

FBI WASH DC

Mr. J. Walter Yeagley  
Assistant Attorney General

September 2, 1966

Director, FBI

1 - Mr. Lee

MORTON SOBELL  
ESPIONAGE - RUSSIA

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 4-29-87 BY 3042/RST/46

Reference is made to the telephonic request made by Departmental Attorney Paul Vincent of Special Agent James P. Lee of this Bureau on August 26, 1966, for information relating to other items destroyed by this Bureau at the same time as the September 19, 1945, registration card for Harry Gold at the Hilton Hotel, Albuquerque, New Mexico, was destroyed.

A review of the files of our New York Office shows that no items in the instant case were destroyed at the same time the above registration card was destroyed. The registration cards for Harry Gold at the Hilton Hotel, Albuquerque, for June 3, and September 19, 1945, were obtained by our New York Office in connection with the trial of Julius and Ethel Rosenberg and Morton Sobell in March, 1951. The September registration card was maintained in the Rosenberg file in our New York Office. That card and 352 other items in that file were destroyed on February 11, 1960.

In connection with the use of this information, it is suggested that you consider the possibility that the disclosure of such information could possibly open the door for additional requests by the defense for exploratory searches of our files in an effort to develop a possible basis for additional attacks against the Government in this case.

101-2483-1650

MAILED 2

SEP 2 - 1966

COMM-FBI

JPL:sal  
(4)

**NOTE:** Departmental Attorney requested this information in order to rebut a possible claim by the defense that the hotel registration card was the only item destroyed by the New York Office on February 11, 1960, and that its destruction was done in bad faith. It is believed that we should suggest to the Department the possibility that publication of this information would open the door for additional requests for exploratory searches of Bureau files.

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Wick \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

MAIL ROOM ☐ TELETYPE UNIT ☐

REC'D-READING ROOM

SEP 2 3 07 PM '66

FBI

EX-104

REC-6

82-44

Walt

TELETYPE UNIT

AUG 29 1966

ENCODED MESSAGE

Mr. Tolson \_\_\_\_\_  
Mr. DeLoach \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Wick \_\_\_\_\_  
Mr. Casper \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Felt \_\_\_\_\_  
Mr. Gale \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Sullivan \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Miss Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

FBI NEW YORK

222PM URGENT 8-29-66 JAM

TO DIRECTOR /3/ - ENCODED  
FROM NEW YORK 1P

MORTON SOBELL, ESP-R

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4-29-87 BY 5042/RT/CT3

*D. J. Brennan*  
*[Signature]*

RE BUREAU TEL, EIGHT TWENTYSIX SIXTYSIX.

GREEN SHEET SECTION OF JULIUS ROSENBERG CASE CONTAINS  
NOTATIONS ON THREE FIFTY THREE EXHIBITS INDICATING  
THESE ITEMS WERE DESTROYED ON TWO ELEVEN SIXTY. NO RECORD  
OF DESTRUCTION OF ANY EXHIBITS ON THIS DATE IN GOLD AND  
SOBELL CASES. NYO DOES NOT HAVE FIGURES AVAILABLE AS  
TO NUMBER OF EXHIBITS IN ALL NYO FILES DESTROYED ON  
ANY GIVEN DATE. THIS WOULD ONLY BE OBTAINABLE FROM A  
REVIEW OF ALL CASE FILES WHICH CONTAIN EXHIBITS.

END

AKJ

FBI WASH DC

*SAC Turyu, NYO asked  
to submit supplemental  
teletype with info re  
Exhibits newly found  
Rosenberg case.*

CODING UNIT

SEP 7 1966

101-2483-1650

*Let to AA 6-17-66  
JPL: [Signature]*

CC- Mr. Lee

101-2483

F B I

Date: 8/25/66

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via **AIRTEL**

(Priority)

TO: DIRECTOR, FBI (101-2483)  
 FROM: SAC, NEW YORK (100-37158) (P)  
 SUBJECT: MORTON SOBELL  
 ESP - R

ReNYairtel, 8/23/66.

Enclosed herewith for the Bureau is one copy of the 64 page amended petition filed in the United States District Court, SDNY, on 8/22/66, by counsel for MORTON SOBELL. Attached to this petition is a copy of the sketch prepared by DAVID GREENGLASS (Exhibit 8); a 16 page affidavit of HENRY LINSCHITZ; an 8 page affidavit of PHILIP MORRISON; a 7 page affidavit of WALTER and MIRIAM SCHNEIR, with attached copies of Hotel Hilton registration cards dated 6/2/45 and 9/19/45; and a 1 page affidavit of HELEN SOBELL.

- 3 - Bureau (Enc. 1) (RM)  
 1 - New York (100-109849) (HELEN SOBELL)  
 1 - New York (100-107111) (CSJMS)  
 1 - New York (100-89559) (MARSHALL PERLIN)  
 1 - New York (100-118562) (ARTHUR KINOY)  
 1 - New York (100-146994) (WILLIAM M. KUNSTLER)  
 1 - New York

WCR:jaw  
 (11)

4-29-87 3042/NOT/CSREC-28  
 ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 12-15-88 BY 202 TAP/008

101-2483-1651  
 9-8

11 AUG 26 1966

Approved: *[Signature]*  
 Special Agent in Charge

Sent

M. J. Per

SEP 12 1966



101-2483-1651  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MORTON SOBELL,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.

USDC  
SDNY  
Filed August 24, 1966  
12:40 P.M.

66 Civ. 1328

Amended Petition

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-1-87 BY 3042/PW/f/b

The amended petition of MORTON SOBELL, by his attorneys below named, respectfully alleges as follows:

1. Petitioner is unlawfully, unjustly and illegally detained and imprisoned and in the custody of the Attorney General of the United States and his authorized representatives in a federal penal institution at Lewisburg, Pennsylvania, pursuant to a judgment entered and a commitment issued by the United States District Court for the Southern District of New York, dated and filed April 5, 1951.

2. Defendant was tried with co-defendants Julius and Ethel Rosenberg before judge and jury upon an indictment charging that they had conspired with others to transmit to the Soviet Union information purporting to relate to the national defense of the United States, all in violation of Title 50 U.S.C. Sec. 34.\* Named as co-conspirators were Ruth and David Greenglass, Harry Gold, former Soviet Vice-Consul, Anatoli A. Yakovlev and divers others said to be unknown.\*\* Following his conviction, a sentence of 30 years imprisonment was imposed upon the petitioner under the

\*Repealed June 25, 1948, c. 645, Sec. 21, 62 Stat. 862, eff. September 1, 1948. Now covered by Secs. 792-798, Title 18, United States Code.

\*\*Thus, the indictment omitted the name of Dr. Klaus Fuchs, a German-born scientist who, in January of 1950, had confessed and subsequently pleaded guilty to having violated the British Official Secrets Act by transmitting theoretical and experimental data relating to the atomic bomb to the Soviet Union. The Fuchs confession, never made available to counsel for petitioner, was in the possession of the United States authorities in January or February, 1950.

wartime provisions of the statute. His co-defendants, Julius and Ethel Rosenberg, were sentenced to death and executed on June 19, 1953.

3. Petitioner duly appealed to the United States Court of Appeals for the Second Circuit, and argument was had thereon on January 10, 1952. On February 25, 1952, that court affirmed the judgment of conviction. Judge Frank dissented, maintaining that the petitioner was entitled to a new trial. 195 F. 2d 583, 609-611.

4. Petitioner thereafter duly petitioned to the Supreme Court of the United States for a writ of certiorari. Said petition was denied. 344 U.S. 838, 889.

5. Since their original conviction and appeal, petitioner and his co-defendants have instituted several collateral proceedings pursuant to Rule 35 of the Federal Rules of Criminal Procedure and Section 2255 Title 28 United States Code, in none of which were the issues raised or presented upon the grounds and all of the facts here set forth for the first time. Many of the vital facts had not been acquired by petitioner and his counsel until some time after 1963, and indeed some of the facts were not available to petitioner or his counsel until July of 1966. The prolixity of citations relative to the earlier proceedings obscures the simple but inescapable fact that at no time has petitioner (or his co-defendants) ever been granted a hearing pursuant to such applications, nor has the United States Supreme Court ever reviewed or determined the fairness of his trial and conviction.

6. Petitioner from the time of his arrest to the present has consistently and constantly declared, maintained and affirmed his innocence.

GROUND FOR RELIEF

7. Petitioner makes this application praying that the judgment of conviction and his sentence be vacated and set aside, and that he be discharged from detention and imprisonment pursuant to Sec. 2255 of Title 28 United States Code, on the grounds that his conviction was unlawfully and illegally procured in violation of the Constitution and the laws of the United States, that he was denied due process of law, and that the sentencing court was without jurisdiction to impose this sentence, the said judgment being vulnerable and subject to the collateral attack herein set forth.

8. Among other things, the government\* knowingly created, contrived and used false, perjurious testimony and evidence and intentionally and wilfully induced and allowed government witnesses to give false, misleading and deceptive testimony in order to obtain the conviction of petitioner and his co-defendants. To effect such conviction and in an attempt to immunize it from effective review or judicial scrutiny or collateral attack based upon after-discovered evidence, the government:

a) knowingly, by false statements, testimony and evidence and by other deceptive and fraudulent devices, falsely established in the minds of the trial court and jury that the Russians had obtained "the very bomb itself" (R. 183), referring to the atomic bomb; that Greenglass had passed "the atomic bomb secret" (R.1551-1552), as a result of the alleged conspiracy, and by these means convinced the trial judge and jury that the defendants

\*By the term "government" as herein used, petitioner is making reference to the prosecutive, investigative and other agencies of the United States and their agents or employees, as well as all those acting with its knowledge and at its behest, involved in the investigation or prosecution of this case.

put "in the hands of the Russians the A-bomb years before our best scientists predicted..." (R.1614);"

b) knowingly presented false, misleading and deceptive evidence in the form of Government Exhibit 8 and its description by Greenglass, and compounded this fraud by presenting one John A. Derry, an employee of the Atomic Energy Commission as an "expert" confirming witness to "authenticate" and establish the "substantial accuracy" of the aforesaid evidence as a description and cross-section of the atomic bomb dropped at Nagasaki in August, 1945, although the government knew that the confirmation, authentication, and testimony in support of "substantial accuracy" were in fact false;

c) knowingly and falsely represented and imported to the press, to the court, to the jury and to the defendants and their counsel that Government Exhibit 8 and the testimony relating thereto had the imprimatur of authenticity and accuracy of the Atomic Energy Commission and the Joint Congressional Committee on Atomic Energy and that it represented the very "secret" and "principle" of the atomic bomb;

d) for the purpose of establishing in the minds of the court, jury and defense that the representations and statements made or to be made by the government, and the testimony of its witnesses, had been and would be approved and verified by world-renowned scientists associated with the development of the atomic bomb, the government falsely and fraudulently represented and caused to be read to the jury a list of witnesses who would be called including

Page references designate the printed Transcript of Record.

Dr. Urey and Dr. Oppenheimer, (neither of whom was in fact ever called) thus falsely insinuating that they had expressed to the government their agreement with the prosecution's case and willingness to testify against the defendants. With such spurious background and with the presence at the trial of representatives of the Atomic Energy Commission and the Joint Congressional Committee on Atomic Energy, the testimony of Greenglass and Derry was clothed, in the eyes of the court and jury, with a false and fictitious cloak of authenticity, accuracy and full scientific approval;

e) knowingly destroyed and caused and consciously permitted to be destroyed evidence which would have impeached and refuted testimony and evidence given against the petitioner and his co-defendants;\*

f) presented and vouched for the credibility of one of its main and indispensable witnesses, Harry Gold, a proved and admitted pathological liar and perjurer, and permitted him to give false and perjurious evidence in the trial of petitioner and his co-defendants, and knowingly suppressed evidence in its possession which would have established the false, perjured and contrived nature of his testimony in this case, and further that said false, perjured and contrived testimony was prepared by Gold in collaboration with the government;

g) knowingly presented false and perjured evidence through the testimony of David Greenglass as well as Gold in relation to an alleged meeting between Greenglass

---

\*The facts with reference to each of the subdivisions of this paragraph are set forth infra.



and Gold on June 3, 1945 in Albuquerque, New Mexico and introduced a false and forged exhibit in the course of the trial to corroborate this false and perjured testimony;

h) knowingly suppressed and continued to suppress evidence known to it, but not known to petitioner and his counsel during the course of the trial or prior post-trial collateral proceedings which would have impeached and refuted testimony and evidence given against petitioner and co-defendants.

9. The purpose and effect of the above was to deceive and intimidate counsel for the petitioner and his co-defendants and cause them to rely upon the false statements and representations of the government and accept the false claim of the government and believe that: a) Government Exhibit 8 and the testimony of Greenglass describing it and Derry authenticating it, encompassed and represented the "secret of the atomic bomb" - indeed a cross-section of the bomb itself - and that its public disclosure would endanger the national security; and b) further accept and believe that there had been a June 3, 1945 meeting between Gold and Greenglass, and that the June 3rd registration card was indeed a true copy of a card made and kept in the regular course of business. As a result, the accuracy of the Exhibit 8 and its description was not challenged, Derry's expertise and opinion was accepted and the Greenglass-Gold meeting was acknowledged. Counsel for the petitioner and his co-defendants could not, under the circumstance, obtain contradictory scientific aid or evidence to the extent available, in the public and courtroom atmosphere fraudulently created by the government as aforesaid, although true and honest scientific evidence would have contradicted the false testimony of Greenglass and Derry.

As a result the jury and Court were led to believe the entire testimony of Greenglass, and the accusation that the defendants were engaged in a conspiracy with him, and further served to corroborate the testimony of Elitcher and to reject the assertions of innocence on the part of petitioner and his co-defendants.

10. By reason of the foregoing, the judgment and sentence is null and void and vulnerable and subject to the collateral attack herein made.

GOVERNMENT EXHIBIT 8 AND THE GREENGLASS "DESCRIPTION OF THE ATOMIC BOMB," THE FALSE CONFIRMATION OF ITS AUTHENTICITY AND ACCURACY BY DERRY, the MISREPRESENTATION BY THE GOVERNMENT, AND THE ALLEGED "THEFT OF THE SECRET OF THE ATOMIC BOMB".

11. From the moment of the dropping of the atomic bombs over Japan in August, 1945, the American people, even though troubled by its implications, had the illusion of security, that this horrendous weapon would long remain an American monopoly. After the announcement that the Soviet Union had set off such a device in September 1949 and after Fuchs had confessed in January, 1950 that while working on the bomb in the United States he had transmitted information to the Soviet Union, a second illusion was fostered that the Soviet Union could not have developed the A bomb at that time without having stolen the "secret of the bomb" from this nation.

The arrest of the petitioner and his co-defendants, Julius and Ethel Rosenberg, came immediately after the start of the Korean War in June of 1950. This country was led to believe that Greenglass was the American source of the "secret of the atomic bomb" and had passed, in essence, this same information to the Soviet Union through petitioner's co-defendants in the conspiracy.

The accumulation of these events made this case of

transcendent national importance with worldwide implications, and created an extremely inflammatory atmosphere prejudicial to petitioner and his co-defendants.

12. From the moment of the arrest of Gold, of Greenglass, and thereafter of the petitioner and his co-defendants, the government by formal and informal statements given to all forms of mass media, sought to and did impress the nation with the unfounded fact that through Greenglass the Rosenbergs had obtained the "secrets" of the atomic bomb, - the very bomb itself, - and caused its transmission to the Soviet Union in 1945, and this information enabled the Soviet Union rapidly to develop the bomb and reshape the whole course of world history. Such statements emanating from government sources created the framework within which petitioner and his co-defendants were tried.

13. The government was successful by means of knowing use of false and fraudulent evidence, misrepresentations and other deceptive devices, in establishing these "facts" in the minds of the jury and the trial court itself. An examination of the government's opening and closing to the jury, the court's charge, and the statements of the government, and the court at the time of sentences makes this so evident as to not require argument.

14. In the opening statement to the jury, the government in stating the essence of its case declared;

"David Greenglass was a Technical Sergeant in the Army, stationed at Los Alamos, New Mexico, known even then to the top officials in this country as 'Project Y'; where there was experimentation and construction of the most important weapon ever known to mankind.

We will prove that the Rosenbergs devised and put into operation with the aid of Soviet Nationals and Soviet Agents in this country an elaborate scheme which enabled them to steal through David Greenglass this one weapon that might well hold the key to the survival of this nation and means the peace of the world, the atomic bomb.

The evidence will show how at the behest of the Rosengbergs, Greenglass stole and turned over to them and to their co-conspirator Harry Gold, at secret rendezvous, sketches and descriptions of secrets concerning atomic energy and sketches of the very bomb itself." (R.183) (emphasis supplied)

In the government's summation to the jury, it reasserted the basis on which the jury must convict the defendants:

"On David's September furlough, Rosenberg got from him the cross-section of the atom bomb itself and a 12 page description of this vital weapon. This description of the atom bomb, destined for delivery to the Soviet Union, was typed up by the defendant, Ethel Rosenberg..." (R. 1523) (emphasis supplied)

In the charge to the jury, the court, in giving its conception of the government's claim and proof, stated:

"On the other hand, proof concerning the accomplishment of the objects of a conspiracy is the most persuasive evidence of the existence of the conspiracy itself. Simplifying this perhaps a bit more, success of the venture, if you believe it was successful, is the best proof of the venture or the agreement. (In this case, the government claims that the venture was successful as to the atom bomb secret.)" (R.1551-1552) (emphasis supplied)

Prior to sentencing, the government, after referring to the Korean War, stated:

"The secrets they sought and secured were of immeasurable importance and significance. ... In terms of human life, these defendants have affected the lives, and perhaps the freedom, of whole generations of mankind." (R.1602) (emphasis supplied)

The court, in justification of its imposing the death sentence under the espionage statute for the first time in history, premised it upon the government's false and fraudulent claims stating:

"I consider your crime worse than murder. Plain deliberate contemplated murder is dwarfed in magnitude by comparison with the crime you have committed. In committing the act of murder, the criminal kills only his victim. The immediate family is brought to grief and when justice is meted out the chapter is closed. But in your case, I believe your conduct in putting into the hands of the Russians the A-bomb years before our best scientists predicted Russia would perfect the bomb has already caused, in my opinion, the Communist aggression in Korea, with the resultant casualties exceeding 50,000 and who knows but that millions (fol. 2452) more of innocent people may pay the price of your treason. Indeed, by your betrayal you have undoubtedly altered the course of history to the disadvantage of our country. No one can say that we do not live in a constant state of tension. We have evidence of your treachery all around us every day--for the civilian defense activities throughout the nation are aimed at preparing us for an atom bomb attack." (R. 1614-1615) (emphasis supplied)

And further:

...they passed what they knew was this nation's most deadly and closely guarded secret weapon to Soviet agents." (R. 1615) (emphasis supplied)

Thus clearly the court was led to accept and believe the government's fraudulent claims that the secret of the bomb, the secret weapon itself, had been passed on by Greenglass to the Rosenbergs.

15. The statements made by the government were false, as it well knew, and were intentionally used to convict petitioner and his co-defendants. How was the government able to deceive the court, and cause it to believe this fraud, and to pass sentence on that basis? The government did so by various



devious means, all of which together permitted this gross deception and tragic miscarriage of justice, and any one of which would deprive petitioner and his co-defendants of a fair trial and constitutes adequate ground for making the judgment and sentence null and void and subject to collateral attack. As stated supra, both prior to the trial and during the trial itself, and during the post-trial proceedings leading up to the execution of the Rosenbergs and thereafter, the government was the principal source of the fabricated claim that the "secret" of the atom bomb had been passed on by Greenglass through the Rosenbergs to the Soviet Union. An examination of the trial record in this context discloses that:

a) During the course of the trial, the government made statements and representations to the court and jury which were false, as it well knew.

b) The government stated to the court and jury, and by its questions reiterated that internationally known scientists, intimately related to the development of the atomic bomb, would be called as witnesses, thus falsely insinuating that they had been asked and agreed to testify, and were in accord with the government's claims relating to the evidence to be adduced in connection with the atomic bomb. This was false as the government well knew.

c) At all times, during the trial, when evidence allegedly relating to the atomic bomb was adduced, representatives of the Atomic Energy Commission and the Joint Congressional Committee on Atomic Energy were present. The court, jury and the world were so advised. The government stated that all evidence relating to the atomic bomb had been reviewed by these agencies (representatives of which made no comment during the course of the trial), thereby falsely imparting to the court and jury, as well as defense counsel, that all of the statements of the government and all of the evidence adduced in support thereof was true and accurate, and that the government's claims as to the "secret," the "authenticity" and the "accuracy" and significance of the evidence was true. In fact, the government knew all of the above to be false.

d) The government held out Greenglass as the transmitter of the "secret" of the atomic bomb

which was claimed by the government to be encompassed in the cross-section of the atom bomb, Government Exhibit 8, and his description thereof. The government knew that his drawing and description gave a false, incomplete and essentially meaningless depiction of the A bomb, lacking necessary components. Greenglass' description compounded the error by mislabeling and misdescribing his own drawing, and is inherently and internally false, as the government well knew.

e) Not only did the government knowingly permit Greenglass to give false, misleading testimony, not only did the government fail to dissociate itself from such testimony, but further, it compounded the fraud by calling the witness, Derry, an employee of the Atomic Energy Commission, held him out as an expert, and had him falsely (whether to his knowledge or not) testify to the authenticity and accuracy of the Greenglass drawing and sketch, and characterized it as a substantially correct cross-section of the Nagasaki bomb.

f) The government permitted and induced defense counsel by various devices to rely upon its representations and the truthfulness of the Greenglass-Derry testimony, while knowing the same were false. In reliance upon these representations made even prior to the Greenglass testimony concerning government Exhibit 8, the government tricked the defense counsel into asking for the impounding and sealing of Government Exhibit 8 and its description, and for the proceedings to be held in camera. The government was enabled to do so by the very nature of the atmosphere created by it prior to and during the trial, so that defense counsel felt it impossible and feared to seek scientific aid.

16. The impounded sketch and Greenglass testimony were never seen by any court other than the trial court until the present proceedings were instituted. All prior proceedings and appellate reviews were premised upon the false belief that Government Exhibit 8 and the description of the bomb contained the "secret" description of the bomb and a cross-section of the weapon dropped at Nagasaki, and that the material impounded was authentic and accurate. No competent qualified scientist was afforded the opportunity to evaluate the material and make comment thereon. The statement in the impounded testimony

that it would be available to counsel was itself impounded.

17. Prior counsel instituted a proceeding pursuant to Sec. 2255 of Title 28 U.S.C. in 1952, based upon the continued but erroneous belief that the representations of the government were true, and that Government Exhibit 8 and the description given was in fact authentic and substantially accurate. His grounds for relief at that time were premised upon the claim that Greenglass had neither the competence nor memory to reproduce in 1950 an authentic cross-section of the atomic bomb and a description of its workings without the help of the prosecution and its agents. Ergo, counsel argued, that Greenglass did receive aid and assistance in drawing Exhibit 8 and giving the description of it, and that the Greenglass denial of such help was known to the government to be false.

18. Upon the commencement of the trial, a voir dire of prospective jurors was conducted by the court. The court referred to a list of witnesses which had been given it by the government with the false representation that these witnesses would be called by the government. The court, prior to reading the list, then stated:

"The following persons will be called as witnesses for the Government in this case." (R. 51)

The two most prominent, world-known names in that list in the scientific field were Dr. Harold C. Urey and Dr. J. Robert Oppenheimer. Dr. Oppenheimer was the Director of the Los Alamos project, and Dr. Urey is a Nobel Laureate of international fame who was closely connected with the theoretical research underlying the development of the nuclear physics essential to the creation of the vital materials without which the bomb could not be built. This falsely and fraudulently impressed upon

the court, jury and defense the fact that any scientific material tendered by the government had been verified and vouched for by these two scientists as well as Dr. Kistiakowski who headed the division of the project to which Greenglass was attached, as to authenticity, significance and accuracy. That was the purpose of the government in including these names.

19. In truth, the government never intended to call these scientists. Dr. Urey has told counsel and authorized him to incorporate in this petition his statement to the effect that he had never been asked, at any time, by the government to testify in this case.

The government went further in their attempt to intimidate and deceive the defense, as well as the jury and the court in this regard. In the course of the direct examination of Greenglass, the following question was asked:

"Q. In addition to Mr. Baker whom you came to know as Neils Bohr, and Dr. Oppenheimer, may I ask you specifically, did you know that Dr. Harold Urey was connected with the Manhattan Project?"

A. I did.

Q. About what point after your arrival at Los Alamos did you learn that fact?

A. Oh, it must have been about December or so."  
(R.411) (emphasis supplied)

This deceptive ploy on the part of the government was a device used to tell the jury that the government was permitting and allowing Greenglass to testify as to atomic "secrets" which would soon be verified by Dr. Urey.

20. Greenglass, in the course of his testimony, identified as his drawings Government Exhibits 2, 6 and 7, describing them as sketches of lens molds and a cross-section of one of them. Exhibit 7 was prepared in the course of the trial,

the other two having been previously made in preparation for the trial (R.442,460-465). None of the above, quite primitive in nature, was claimed to be the secret of the A-bomb or represent its actual combustion or operation of the bomb. That, the government would attribute, after Dr. Koski had testified, to Government Exhibit 8 and Greenglass' description. See infra.

21. In the course of his testimony, Dr. Walter S. Koski, who worked in conjunction with Dr. Linschitz, was called to the stand and gave information not known or included in the Greenglass testimony. Dr. Koski stated in more detail and with great expertise, theoretically and factually, some of the functions of the lens relating to implosion. Putting aside the fact that <sup>what</sup> Dr. Koski testified to had been long known and developed in this and other countries, and putting aside the claim of secrecy and newness attributed to it by him, it is clear that Dr. Koski's testimony was used to impress upon all the authenticity of the Greenglass sketches, Exhibits 2, 6 and 7, and their description, thereby enhancing the credibility of Greenglass in the eyes of the jury. Dr. Koski's testimony further established that a government expert was prepared to go further than the testimony of Greenglass in elucidating the matter.

22. What is most revealing is the fact that the government did not ask Dr. Koski to authenticate or verify the substantial accuracy of Government Exhibit 8 and the Greenglass description. Dr. Koski was a scientist; the authenticating witness, Derry, subsequently called by the government was not. Dr. Koski worked at Los Alamos on "the very bomb itself;" the authenticating witness, Mr. Derry, did not. The government did not ask Dr. Koski to authenticate or verify Exhibit 8 and its description because it knew it was false, incomplete, inaccurate and misleading, giving a distorted and misleading caricature of



the bomb. Equally, the government knew that Dr. Koski's testimony, were he asked, would not have satisfied or met the needs of the government's fraudulent case.

23. Dr. Koski had stated that some of his testimony was secret, to be divulged only for the purpose of this trial. The word "secret" as used by Dr. Koski had a certain ambiguity in that it might have been considered secret in the form of being "classified", or secret in the sense of not being publicly known. Thereafter, the court interjected with a question:

"The Court: As far as you know, only for the purposes of this trial.

Witness: Correct."

The government then stated:

"Will your Honor allow a statement for the record in that respect? The Atomic Energy Commission has declassified this information under the Atomic Energy Act and has made the ruling as authorized by Congress that subsequent to the trial, it is to be reclassified.

The Court: Counsel does not take issue with that statement.

Mr. E. H. Bloch: No, not at all. I read about it in the statement before Mr. Saypol stated it." (R.479)

All of the above statements were made in the presence of the jury.

As petitioner has learned only within the past month, the statement of the government was false. The Atomic Energy Commission never reclassified the material, and indeed, petitioner's counsel was advised by the government within this past month that the Atomic Energy Commission stated it never had the power or authority to reclassify the material presented at the trial. Surely, this was known to the government, to the prosecution, to the representatives of the Atomic Energy Commission, at the time this statement was made in court in March of 1951.

24. This intentionally false statement as to reclassification was made to establish in the mind of the court, jury and defense counsel that the material relating to the atom bomb was not only accurate but was of the highest importance to the security of the United States. Undoubtedly, the court and jury felt that it had received classified information which could not be related to anyone, that they, along with the court, were privy to this great secret.

25. That the prosecution had resorted to the press to inflame the atmosphere is also reflected in the statement in the record of Mr. Bloch, above quoted, that the contents of the statement of Mr. Saypol was already in the press. In light of prior events and prior statements by the government in and out of court, defense counsel were fraudulently induced to believe that any representations relating to the atomic bomb by the government were true, and that these representations would be supported by such scientists as Dr. Urey and Dr. Oppenheimer as well as that of Dr. Kistiakowski. Counsel fell into the well planned trap of the government and were prepared to concede that any evidence of the "atom bomb itself" would be authentic, accurate, and contain the secret of the bomb.

26. It is in these circumstances that one looks to the testimony of Greenglass and the conduct of counsel as they approached the climax of the case. The following transpired:

"Q. Was it on the basis of this knowledge which you had accumulated over these months that you told Rosenberg you thought you had a pretty good description of the atom bomb itself?

A. I did.

Q. Did you at a later time give to Rosenberg a description of the atom bomb itself?

A. I did.

Q. Now, was the atom bomb which you described to him the same atom bomb he had described to you in January?

A. It was not.

Q. Would you explain that to us?

A. One type of bomb, the one that he described to me, was dropped at Hiroshima and it was the only type of bomb of that nature that was made. The one I got most of my knowledge on was of a different nature. It was a type that worked on an implosion effect.

Q. It was a different type bomb?

A. That is right.

Mr. E.H. Bloch: If the Court please, I move to strike out the answer upon the ground that this witness has not been qualified as an expert.

The Court: Overruled.

Q. Was this type atom bomb a type which was manufactured at Los Alamos, to your knowledge, after the Hiroshima bomb was no longer in process of manufacture?

A. That is right.

\* \* \* \* \*

Q. Did you draw up a sketch of the atom bomb itself?

A. I did.

Q. Did you prepare descriptive material to explain the sketch of the atom bomb?

A. I did.

\* \* \* \* \*

Mr. Cohn: May we have this marked for identification, your Honor?

(Marked Government Exhibit 8  
for identification)

Q. Have you prepared for us, Mr. Greenglass, a replica of the sketch - I believe it is a cross-section sketch of the atom bomb - a replica of the sketch you gave to Rosenberg on that day?

A. I did.

Q. I show you Government's Exhibit 8 for identification, Mr. Greenglass, and ask you to examine it and tell us whether or not this is a replica of the sketch--cross-section of the atomic bomb?

A. It is.

Q. How does that compare with the sketch you gave to Rosenberg in September of 1945?

A. About the same thing. Maybe a little different in size; that is all.

Q. Except for size?

A. Yes.

Q. It is the same?

A. Yes.

\*\*\*\*\*

Mr. Cohn : We offer this in evidence, your Honor."  
(R. 498-499) (emphasis supplied)

Thus the government in its leading question was advising the court and jury that Government Exhibit 8 was in fact the cross-section of the bomb, reinforcing the prior false imputation of accuracy, importance and authenticity.

27. Even prior to examining Government Exhibit 8, Mr. Bloch stated:

"I now ask the court to impound this exhibit so that it remain secret to the Court, the jury and counsel." (R. 499)

This was stated in the presence of the jury. Mr. Saypol then said: "That is a rather strange request coming from the defendant" (R. 499). Mr. Bloch replied, "Not a strange request coming from me at present." (R. 499) Since Mr. Bloch was relying upon misrepresentations of the government made in and out of court and believed them to be true, and since he relied upon the representation that the prosecution would call Dr. Urey, Dr. Oppenheimer and Dr. Kistiakowski, who would authenticate the testimony of Greenglass, he was deceived into believing whatever the source of Greenglass' testimony, that Government Exhibit 8 did represent a true and accurate cross-section and description of the atomic bomb. The government had by this stage of the trial not only deceived the court and

jury but the defense counsel as well.

28. The government, through Mr. Cohn,--prior to the sealing, stated that it desired to interrogate Greenglass on the basis of the document, The following ensued:

"Q. Now, Mr. Greenglass, address yourself to that sketch and tell us, if you will, just what you wrote as best you remember of the descriptive material you gave to Rosenberg in September, 1945, the descriptive material in that sketch.

A. Well, I had this sketch marked A, B, C, D, E, F, and those referred to various parts of the bomb.

Q. Now tell us exactly what you wrote in this descriptive material". (R. 499-500)

Immediately, before the witness could answer, Mr. Bloch stated:

"Before you answer the question, may we come up to the bench, your Honor?" (R. 500)

Counsel thereupon approached the Bench out of hearing of the jury:

"Mr. E. H. Bloch: Let me say by way of explanation, Mr. Saypol, that despite the fact that the Atomic Energy Commission may have declassified this, I was not at all sure in my own mind, and I am talking privately, whether or not even at this late date, this information may not be used to the advantage of a foreign power. Remember, I am talking personally. And since you said something which might be an implied criticism of me, and said that in front of the jury, and I certainly don't take umbrage at your criticism, I want to say to the Court as far as this descriptive material is concerned, I am perfectly satisfied that this also be kept secret.

The Court: Do you want it to be done in camera without the spectators being present?" (R. 500)

The court indicated its willingness to direct that the courtroom be cleared, whereupon the following ensued:

"Mr. Saypol: Well, let us put it this way: I had assumed--I was on the horns of a dilemma. We thought this out very carefully in preparation, the four of us, together with representatives of the Atomic Energy Commission, Mr. Lane, in my behalf, was--with representatives of the Department of Justice took this up first with the entire Commission on February 8th and then with the entire



representation of the Joint Congressional Committee on Atomic Energy, and the ultimate resolution was that it was left in my discretion as to how much of this material should be disclosed, on the premise that the primary obligation in the administration of justice was that the defendants were entitled to be apprised of the nature of the case against them. I proceeded as I did." (emphasis supplied) (R. 501)

29. The court, relying upon prior representations of the government and the above quoted statement made by the government, sought to induce defense counsel to stipulate that the sketch contained secret and confidential information. Counsel for the Rosenbergs were prepared to do so upon the belief that all of the scientists referred to by the government on prior occasions would soon be appearing to attest to the secrecy and authenticity of the sketch, its meaning and description. Mr. A. Bloch, in indicating his acquiescence, stated: "To save the expense; I understand it would save quite an expense to the government to bring all these people here." (emphasis supplied) (502) Since counsel were not unanimous, no stipulation was entered into.

If one were to accept the statement of the government made to the court out of the presence of the jury, it would seem that the Atomic Energy Commission and the Joint Congressional Committee had delegated full power to the prosecution to determine what would or would not be disclosed. Thus, the Atomic Energy Commission had authorized declassification on a much broader scale than the material actually presented at the trial. It left the determination of "secrecy" for the purpose of the trial to the prosecution. This makes a mockery of the false aura of secrecy which the prosecution cast upon the trial, all to the severe prejudice to the petitioner and his co-defendants which the government well knew.

30. The court, after advising the jury that there was a matter of concern as to what Greenglass was going to testify, and relying on the statements and leading questions of the government, stated:

"Mr. Cohn was about to take detailed proof on certain descriptive matters concerning the atom bomb which the witness contends was turned over to the defendant Julius Rosenberg; that while it might not be in the best interests of the country, was yet a matter that is necessary in the trial of a case under our democratic form of government." (R. 504)

The court was thus advising the jury that the Greenglass testimony was of tremendous importance and related to the secret of the atom bomb. Indeed, the court stated in the presence of the jury that Mr. Bloch was willing to concede this phase of the testimony. Mr. Bloch added that he was desirous of an in camera proceeding.

31. The prosecution, after extolling the virtues of the constitution, repeated that there had been secret consultations held with the Atomic Energy Commission and the Congressional Committee, and that they had been in constant consultation with him and his staff. He thereupon repeated the unfounded statement, and indeed reverted back to the false representation that the material would be reclassified and had been released solely for the purpose of this trial. (R. 505)

32. When the prosecution prepared this case, it did not know that defense counsel would ask to have evidence impounded and sealed and proceedings held in camera. The government knew

the press would report the substance of the testimony presented, surely that relating to the "secret of the atomic bomb." Any reclassification would be a meaningless act, even if the Commission had power, which it did not. Thus, the government was telling the jury it was more important to convict these defendants, to execute the Rosenbergs, than preserve the "great secret" upon which our national existence depended.

33. After a brief recess, the court was advised that the press was incensed about being barred from the courtroom. Mr. Bloch was so deceived and intimidated by the government that he urged the press be barred, and that if they did enter the courtroom that they be "enjoined to secrecy," but the court decided that they would only be "enjoined to good taste."  
(R. 508)

34. With the public excluded, Greenglass then gave the following testimony - said to be the "secret of the bomb":

BY MR. COHN:

Q. Mr. Greenglass, addressing yourself to Government's Exhibit 8, if you please, is that a cross-section of the atomic bomb?

A. It is.

Q. That you gave to Mr. Rosenberg?

A. It is.

Q. And have you placed on Government's Exhibit 8 certain letters?

A. I did.

Q. And on additional pieces of paper did you place material descriptive of that sketch and in explanation of the various parts indicated by those letters on that sketch?

A. I did.

Q. Did you give that material to the defendant Rosenberg?

A. I did.

Q. I think we were up to the point now where you should tell us just what descriptive materials you placed on the pieces of paper accompanying this sketch. Tell us how you described the cross-section of the atomic bomb.

A. I have a, which points to two detonators, each mold. Each high explosive lens, there were 36 of them, that I have pointed to as b had two detonators on them; that is, two detonators connected to capacitors which were charged by suitable apparatus and was set to go off by a switch that would throw all 72 condensers at once. There were two detonators on each lens so in case of failure of one, the other would go off. And beneath the high explosive lens there was c, I have marked, a beryllium plastic sphere, which is a shield for the h.e., the high explosive. Then I have e, which is the plutonium itself, which is fissionable material. That is also a sphere. Inside that sphere is a d, is beryllium. Inside the beryllium there are conical shaped holes f, marked f.

Now the beryllium shield protects the high explosive from the radiation of the plutonium. This is to prevent the h.e. from deteriorating and not go off until it is set off. At the

time of the discharge of the condensers the high explosive lens implodes, giving a concentric implosion to the plutonium sphere on the inside. This in turn does the same to the beryllium, and the beryllium is the neutron source which ejects neutrons into the plutonium, which is now at a super or hyper-critical stage because of the high pressure heat, and nuclear fission takes place.

Q. That completes the description of the atomic bomb as you furnished it to the defendant Rosenberg in September 1945?

A. That is right, that does.

MR. COHN: May I now exhibit this sketch of the cross-section of the atomic bomb to the jury?

THE COURT: Yes. I might suggest, Mr. Stenographer, that that portion of the testimony will not be written up. I do not see any need for it. If it is agreeable with the defense the stenographer will not transcribe that portion of the testimony.

MR. BLOCH: Agreeable to us.

MR. KUNTZ: We won't have the benefit of that at some time.

THE COURT: The stenographer will read it back to you at any time you want it. Rather than put it in permanent written form I would rather not have a transcript of this testimony wandering around.

MR. KUNTZ: That is agreeable.

THE COURT: Of course, I may say to the defense, for any subsequent proceeding it will be made available.

MR. COHN: Your Honor, I think that completes that.

BY MR. COHN:

Q. Did you have any further discussion with Rosenberg about the actual atomic bomb, the actual description you gave him, or was that what you gave him in written material? Did that complete the matter?

A. Well, I talked with him about this in a general way and I told him some additional information such as the fact that the switch that set it off was set off by a barometric pressure device, and the bomb itself was on a parachute.

The fact that it would be available in a subsequent proceeding was itself impounded and not known to petitioner or his present counsel until after the successful application made in petitioner's behalf in late April 1966.



Q. That as you recall was all you told him verbally to supplement the written description?

A. Yes, that is all.

MR. COHN: Your Honor, I think we are safe in having the Courtroom reopen.

\* \* \*

The false, misleading and naive and distorted sketch of Greenglass, Government Exhibit 8, and his equally false and naive description, meaninglessness, errors will be discussed in more detail infra.

35. It was shocking to learn for the first time when Exhibit 8 and the Greenglass testimony was unimounded on April 29, 1966 in Chambers, that the government had, in 1959, unbeknownst to the petitioner and his counsel and in secrecy had the material unimounded, the notes of the transcriber typed, and a transcript had been made.

This was done pursuant to a directive of the Attorney General who, in turn, sent Benjamin F. Pollock, an attorney of the Department of Justice assigned to the Internal Security Division and long associated with this case, to examine the material. The unimounding took place in the Chambers of the trial judge. Surely then, the government was required to advise petitioner of this action and inform counsel that it was available for evaluation. Its failure to do so was legally improper and perpetuated the publicly held misconception that the material was the secret of the bomb.

36. On March 20, 1951, the government called John A. Derry as its witness. Prior to his taking the stand, the government approached the bench and the following colloquy was had:

Mr. Saypol: This is a security matter which relates to the atomic bomb. The witness is going to establish the authenticity of the information that Greenglass gave to Rosenberg. I think, your Honor will want to take the same precautions as have been taken heretofore perhaps even more. Under those circumstances I submit that to your Honor's consideration.

The Court: This witness is I take it going to repeat-

Mr. Saypol: I am going to read him the description as given by Mr. Greenglass.

The Court: And you are going to ask him what?

Mr. Saypol: Have him establish the authenticity of the cutaway sketch he gave to Rosenberg in September of 1945.

The Court: This is off the record. (R.902)

37. The government did not call Dr. Koski, Dr. Kistia-  
kowski, Dr. Urey or Dr. Oppenheimer, to authenticate Government  
Exhibit 8 and the description given by Greenglass and have a  
scientist of such stature state that the sketch and testimony was  
an authentic and substantially accurate drawing and description  
of the atomic bomb. It therefore had to obtain someone without  
scientific knowledge of the matter, and falsely hold him out as  
an expert, and then let him in his ignorance, confirm, authenti-  
cate and corroborate the sketch and testimony of Greenglass which  
the government well knew was false, inaccurate, incomplete, mis-  
described, of no significance, and reflecting Greenglass'  
utter lack of comprehension. The government wanted the aura of  
the Atomic Energy Commission around its "expert". It had to sup-  
port its representations made to the court, jury and defense coun-  
sel that it was giving the sketch "of the very bomb itself", that  
Greenglass stole the "one weapon", "the atomic bomb", that Green-  
glass' "information" which he transmitted were "secrets . . . of  
immeasurable importance and significance" which put into "the  
hands of the Russians the A-bomb."

38. Before Derry took the stand the court stated:

"As I told you once before, and I repeat, during the course of some cases, particularly a case of this character, while it might be in the interest of the country that we do not hear certain portions of testimony, yet, under our form of jurisprudence, the defendants are entitled to absolute confrontation of every witness and every piece of evidence that is offered against them." (R. 903).

39. Derry testified that he was still in the employ of the Atomic Energy Commission and that from 1942 to 1946 he was assigned to General Groves' office as his liaison officer, with the Los Alamos laboratory, and that he was currently handling "special assignments" (R. 903-906); as liaison officer during the war, he kept General Groves informed of the technical progress of the atomic bomb at Los Alamos; was one of the planning officers of the New Mexico test of the atomic bomb and General Groves' operations officer on Tinian where the planes which dropped the atomic bombs were based; and took part in all the planning leading up to the tests (R. 906-907); he saw the actual atomic bomb at Los Alamos many times (R. 908).

40. Mr. Derry was then asked to listen to the "secret testimony" of Greenglass in conjunction with his examination of Government Exhibit 8. Counsel objected, saying that the witness himself should first give his description of the atomic bomb. The objection was overruled by the court, and it stated:

"The jury will have to decide anyway, but they are entitled, on a subject as technical as this, and a subject on which there is so little knowledge outside of the technical field to have the help of an expert."  
(R. 909)

The testimony was then read. The court requested that the press "exercise the same good judgment that they exercised in publishing the information as it came from the lips of Mr. Greenglass." Thus, the press was advised that it was free to publish the testimony

of Mr. Derry, who the government held out as an expert in a highly technical field, <sup>which</sup> confirmed the authenticity and accuracy of Greenglass' testimony and sketch.

41. The nature of the interrogation by the prosecution was extremely leading. They wished to limit the witnesses responses to the questions essentially to a "yes" or "no". The answer was formulated in the question. The government fully knew that Derry was not an expert in this field competent to testify and they fully knew that the Greenglass testimony was false, grossly inaccurate, misleading with significant and vital omissions. But the court was not as fully informed and wished to know and have the record reveal that Derry was an expert. The record shows the following:

THE COURT: I believe you told us that you knew each and every detail of the construction of that weapon, that was your job?

THE WITNESS: It was my job to know what went into the parts of it.

THE COURT: And you understood the entire subject matter, didn't you?

THE WITNESS: Yes, sir. I did. It was my task that General Groves gave to me.

Q. And you still do understand it?

A. I still do.

Q. Does the knowledge as disclosed in the material read by Mr. Slavin, in conjunction with the sketch before you, Government's Exhibit 8, demonstrate substantially and with substantial accuracy the principle involved in the operation of the 1945 atomic bomb?

MR. A. BLOCH: I respectfully urge the same objection made to the original question put to the witness.

THE COURT: Overruled.

A. It does.

Q. From that testimony and from that exhibit you perceive clearly the structure of the weapon as it actually was?

A. I didn't get that question.

Q. That is, from the testimony as it has been read to you and from the sketch, Exhibit 8, can you perceive---

THE COURT: Can an expert..

Q. Can you---

THE COURT: I would say, can an expert in that particular field perceive.

Q. Can a scientist, and can you, perceive what the actual construction of the bomb was?

A. You can.

Q. To a substantial degree?

A. You can.

\* \* \*

Q. Does the information that has been read to you, together with the sketch concern a type of atomic bomb which was actually used by the United States of America?

A. It does. It is the bomb we dropped at Nagasaki, similar to it.

Q. Do you know whether at the time in question, any foreign government had the knowledge which our scientists possessed regarding the development and structure of that (fol. 1332) weapon, outside of the British and Canadians.

A. No, I don't know, outside of the British and Canadians.

Q. No nation possessed it?

MR. BLOCH: So far as this witness knows.

THE COURT: So far as you know.

MR. SAYPOL: Oh, indeed.

A. Yes.

MR. SAYPOL: I asked the witness a question on the basis that he was the liaison to the man directly and officially charged with the development and use of the weapon.

Q. Am I correct in that, Mr. Derry?

A. That is right, sir. (R.910-911)



42. Mr. Bloch, without any scientific aid or advice, then commenced his cross examination. After probing in the dark, he asked in substance whether the sketch was a complete description of a cross section of the atomic bomb. The court and government immediately intervened. The government knew the grossness of the fraud. It knew that the jury had already been deceived. It feared further inquiry. The objection itself was a "tipoff" to the witness, telling him not to answer that question or to avoid the question, which he did, thus further frustrating effective cross examination. The next question of Mr. Bloch was objected to, and the cross examination terminated.

43. The government thereby obtained the false confirmation of substantial accuracy and authenticity of the Greenglass sketch and drawing of the "one weapon vital to the existence of our nation".

44. The excerpts of the transcript we have set forth above, the testimony of the government's witnesses; the representations, statements and promises of the government, made through the prosecution, the presence of governmental agencies associated with the atomic bomb, constitute the basis for the statements made by the prosecution in its opening and in summation and at the time of sentencing. It was the basis of the court's charge to the jury, the jury verdict, and the statement of the court on sentencing. This was the basis of the fraud, the hoax and the deception, that the vital weapon, its basic secret - the bomb itself - had been passed by Greenglass through the Rosenbergs to the Soviet Union.

45. Greenglass, in testifying as to Exhibits 2, 6 and 7, gave no meaningful information regarding lens, moulds, their construction or composition, the various components of the lens, their mathematical dimensions or even the existence of interfaces. He had no knowledge of the chemical composition of the component

explosives and their combination and impact. His work related solely to the machining of metal used to create a two-dimensional lens. It was Dr. Koski who dealt with the spherically disposed components and convergent waves and detonations. Thus, the "secret" of the atom bomb said to have been encompassed in Government Exhibit 8, did not relate to implosion or lenses but rather to the nuclear core of the bomb.

46. Attached hereto and made a part hereof are the affidavits of Dr. Morrison and Dr. Linschitz, both of whom are scientists of most eminent standing who were intimately involved with the development of the nuclear bomb. Indeed, both scientists did and were required to have a full understanding of the development, structure and working of the entire bomb. They participated and actually assembled the bombs which were set off at Alamogordo and Nagasaki.

Dr. Morrison, a professor of physics at the Massachusetts Institute of Technology, was engaged in one of the five distinct engineering and research groups responsible for developing the five functional systems of the first bomb, the nuclear assembly group including the initiator of the bomb and its surroundings.

Dr. Linschitz, a professor of physical chemistry at Brandeis University, had his responsibility centered around the group developing the imploding system of the high explosive lenses, which involved the study of detonation wave interactives and flow and shock phenomena associated with implosion.

Of their expertise and intimate knowledge, there can be no question. They have studied the pertinent portions of the transcript as well as the formerly impounded drawing and description of Greenglass and the testimony of Mr. Derry. Their affidavits setting forth the facts and their expert opinion establish beyond

any peradventure of doubt the utter fraud committed by the government which led to the gross and intentional deception of the court, the jury, the petitioner and his co-defendants.

47. By 1941 the scientific world knew of the possibility of developing an atomic bomb. There was only one fundamental basic secret and that was "would it work." After the dropping of the bombs in August of 1945, this secret no longer existed. The scientific community of the world also knew of at least three possible ways of setting off an atomic bomb: the gun method, implosion and autocatalytic reaction. Implosion and shaped charges were equally well known and developed in various countries of the world.

48. As set forth in the attached affidavit, at Los Alamos alone there were five functional systems requiring research, theoretical and engineering development. Each of these alone can be said to be the alleged "secret" in that without the successful development of each aspect the bomb would not work. Los Alamos represented the final stage of the development, but underlying it all was massive technological construction and development that required the expenditure of at least two billion dollars over a period of three years.

These were "secrets" which could not be stolen because even with full knowledge, any country attempting to create the bomb would have to go through the same time-consuming process with all the cost involved. Thus, the entire trial was based upon a false and fraudulent premise created and continued by the government.

49. The "secret testimony" of Greenglass and his sketch were directed to the nuclear core of the bomb itself. The United States Government had announced to the world in August and September of 1945 that the Nagasaki bomb was a plutonium bomb. It was long known to the scientific world that beryllium was a source of neutrons. Neither the Soviet Union nor any developed country of the world had to rely upon Greenglass to obtain that fact.